



AGENDA

Planning Board

Thursday, January 22, 2026: 6:00 PM

Douglass Community Center: 1185 W. Pennsylvania Ave

CALL TO ORDER

APPROVAL OF MINUTES

- 1. December 18, 2026 Regular Meeting**

PUBLIC HEARING

- 1. Text Amendments to the Unified Development Ordinance (File #OA-01-26)**

The Town of Southern Pines Planning Department is proposing text amendments to the Unified Development Ordinance (UDO) for Planning Board and Town Council review and approval in accordance with UDO §2.17. The amendments would remove UDO provisions requiring waiting periods for refileing development applications, revise regulations for the placement of temporary political signs to align with state law, and update Appendix B to reflect recent state legislation limiting local pavement design standards to NCDOT minimums. Additional Appendix B revisions clarify roadway base testing, update asphalt specifications, ensure ADA compliance, and refine sight distance measurement standards.

UNFINISHED BUSINESS

NEW BUSINESS

ADJOURNMENT

MINUTES
Planning Board Regular Meeting
E.S. Douglass Community Center, 1185 W. Pennsylvania Avenue
Thursday, December 18, 2025, at 6:00 PM

Chair Walden called the meeting to order at 6:00 PM.

Chair Matthew Walden, Jennifer Garner, Monica Brickey, Michael Skolnick, Jason Scribner Andrew Speck and Jeremy Haskell were present.

Jennifer Garner made a motion, which was seconded by Jason Scribner, to approve the Minutes of the November 20, 2025 regular meeting. The motion carried.

PRELIMINARY FORUM:

PD-06-25 Preliminary Development Plan for the Trimble Plant Road Planned Development

Koontz Jones + V3, on behalf of JBO Holdings, LLC, has submitted a Planned Development District – Preliminary Development Plan application for the development of a 40,000 square-foot building in addition to an existing 232,402 square foot building on ±21.69 acres. Per the Moore County tax record, the subject parcel is identified as PIN 858200656274 (PARID 20130115) and is owned by JBO Holdings, LLC.

Chair Walden opened the preliminary forum.

Planner Mason Mattox provided an overview of the application and stated that staff found the PDP to be consistent with the approved CDP.

A brief discussion ensued regarding pedestrian connectivity.

Chair Walden closed the preliminary forum.

Monica Brickey made a motion, seconded by Jason Scribner to transmit that no issues were raised as a result of the December 18, 2025 Preliminary Forum on application PD-06-25. The motion carried by a vote of 7-0.

UNFINISHED BUSINESS:

Planning Director provided an update on the status of Comprehensive Plan implementation projects.

The Board felt that Commercial Dwelling Units and Accessory Dwelling Units, as well as stormwater management, should be given priority.

NEW BUSINESS:

No new business was discussed.

Monica Brickey made a motion, which was seconded by Andrew Speck. The motion carried.

The meeting adjourned at 7:10 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Planning Board

An audio recording of the meeting is available upon request.



Planning Staff Report

To: Planning Board
From: BJ Grieve, Planning Director
Date: January 22, 2026
Item: Political Signs & Miscellaneous Text Amendments to the Unified Development Ordinance (UDO) and UDO Appendices

I. EXECUTIVE SUMMARY

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments covering three main topics. The planning staff is requesting Planning Board and Town Council review and approval per UDO §2.17. The proposed amendments are as follows, with reference to applicable section(s) of the UDO:

1. Delete UDO §2.5.16(B), §2.21.10 and §2.26.3(B) because these sections require waiting periods for refileing development applications and recent changes to North Carolina state law (Session Law 2025-94) now prohibit these types of waiting periods.
2. Amend UDO §4.6.16(F) to allow Temporary Signs posted up to 30 days prior to the beginning of voting to be located within town rights of way adjoining private property with the property owner's permission. The proposed revisions will ensure the UDO is more consistent with North Carolina state law regarding allowed locations in state rights of way for political signs prior to elections.
3. Amend Appendix B of the UDO primarily related to recent changes to North Carolina state law (Session Laws 2025-94 & 2024-133) limiting minimum standards in local regulations for pavement design for roads and parking areas to no more restrictive than North Carolina Department of Transportation minimums. Other proposed amendments to Appendix B are related to clarifying roadway base testing requirements, updating asphalt specifications, meeting Americans with Disabilities Act (ADA) alignment standards and clarifying sight distance measurements.

The specific text of each proposed amendment, along with margin comments providing additional explanation and staff analysis of each change may be found in the attachments to this staff report. Planning staff will also present the proposed changes at the Planning Board public hearing on January 22, 2026.

I. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text Amendments

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

(D) Other Factors. *The Hearing Body may consider any other factors relevant to a text amendment application under state law.*

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments:

The proposed amendments to the UDO are depicted on a copy of the UDO that is attached to this staff report using **strikeouts** for proposed deletions and **underline** for proposed additions. Only the sections being amended are attached. Margin comments that explain the reason for each proposed amendment are also included. Planning staff is available during regular business hours prior to the Planning Board public hearing on January 22, 2026 for questions and/or to discuss any of the proposed amendments. Each topic will be presented to the Planning Board and public at the January 22, 2026 Planning Board Regular meeting.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service (USFWS), Moore County Economic Development Partnership, Central Pines Regional Council, the

Sandhills Metropolitan Planning Organization, the Moore County Airport, and representatives of the Town of Southern Pines on December 30, 2026.

As of the completion of the staff report, responses have been received from RLUAC and USFWS stating they have no comments. Any responses received from agencies following completion of this staff report but prior to the Planning Board public hearing will be provided verbally at the hearing.

II. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Sections of the current UDO with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.
3. Sections of the current UDO Appendices with proposed amendments, using ~~strikeout~~ for proposed deletions and underline for proposed additions.

III. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, Town staff has prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments found in UDO §2.17.10:

1. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-26;
2. The proposed amendments are consistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-26 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Plan for the reasons set forth in Attachment A of staff report OA-01-26;

And, therefore, I move to:

1. Recommend approval of OA-01-26 to the Town Council.
2. Recommend approval of OA-01-26 to the Town Council with the following changes:
3. Recommend denial of OA-01-26 to the Town Council.



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-01-26**

WHEREAS, Section 160D-701 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to protect the public health, safety and general welfare; and

WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted Comprehensive Plan and on other matters as deemed appropriate by the Planning Board, and that the Planning Board shall provide this in the form of a written recommendation to the Town Council; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on January 22, 2026 to listen to public comments, ask questions of the Town’s Planning staff and to consider ordinance amendment application OA-01-26.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are consistent with the Town of Southern Pines Comprehensive Plan (Comprehensive Plan).

The Comprehensive Plan emphasizes transparent, fair, and predictable development review processes, and recognizes that development regulations must adapt to changes in state law and evolving legal frameworks. The Comprehensive Plan also notes that development regulations are implementation tools that should be periodically updated to remain consistent with governing statutes and best practices. Recent changes to North Carolina law (Session Law 2025-94) prohibit local governments from imposing refiling waiting periods for development applications. Removing these provisions ensures that the UDO remains legally compliant and avoids procedural barriers that could unnecessarily delay lawful development review. This amendment supports proactive, long-range planning and implementation, including maintaining legally sound regulations.

The Comprehensive Plan places a strong emphasis on community involvement, civic participation, and inclusive decision-making, recognizing these as essential to Southern Pines’ long-term quality

of life. Allowing political signage in town rights of way a manner more consistent with state law for state rights of way supports the Plan’s goal of encouraging public engagement in local governance and elections, while still maintaining reasonable regulations to protect public safety and community character. Additionally, the Plan acknowledges that signage standards should be periodically refined through UDO updates to reflect changing legal and community contexts. The proposed amendment achieves this by aligning local regulations with state law while preserving orderly placement standards.

Finally, the Comprehensive Plan recognizes that engineering and construction standards should support the Plan’s transportation vision while remaining consistent with state and federal requirements. Updating Appendix B to remain consistent with governing statutes and to reflect NCDOT minimum standards and ADA requirements ensures that local infrastructure regulations promote public safety, accessibility, and multimodal mobility, all of which are core objectives of the Plan’s transportation and mobility policies. Clarifying technical standards further supports efficient project review and implementation, advancing the Plan’s goal of sound infrastructure investment and long-term fiscal responsibility.

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the 2040 Comprehensive Plan.

ADOPTED this the 22nd day of January, 2026.

Matthew Walden, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board

Showing OA-01-26 Proposed Amds.

Southern Pines
Unified Development
Ordinance

Adopted October 8, 2013
Edits through December 9, 2025
Includes G.S. 160D Revisions

Southern Pines Unified Development Ordinance

Development, unless otherwise exempted, to ensure compliance with adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan. This part describes procedural elements common to all applications. The specific procedures followed in reviewing various applications for Development Approval differ. Subsequent sections of this chapter address the procedures and requirements for particular applications. Generally, the procedures for all applications have five common elements:

- (A) Submittal of a complete application, including required fee payments and appropriate information and studies;
- (B) Review of the submittal by appropriate staff, agencies, and boards;
- (C) A decision to approve, approve with conditions, or deny, together with the description of the actions authorized and the time period for exercising rights;
- (D) Options to amend or appealing the decision; and
- (E) Documenting the decision.

2.3. APPROVALS REQUIRED

Except as specifically exempted by State law, the use of property may not be substantially changed, substantial clearing, grading or excavation may not be commenced and Buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to this UDO.

2.4. AUTHORITY TO CONDITION DEVELOPMENT APPROVALS

- (A) The Planning Director, the Planning Board and the Town Council may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards identified in this UDO after review of the application and other pertinent documents and any evidence made part of the public record.
- (B) Any conditions imposed by recommendation of the Planning Director or Planning Board may be modified subsequently by the Town Council.

Chapter 2. Development Processes

2.5. CATEGORIES OF DEVELOPMENT APPROVALS

There are three basic categories of Development Approvals pursuant to this chapter: Legislative, Quasi-judicial, and Administrative Approvals. These are classified in Exhibit 2-1.

(Ord. #1919)

2.5.1. Legislative Development Approval

Legislative approvals involve a change in land-use policy. A public meeting is required, but the procedural requirements of an Evidentiary Hearing do not apply. Development regulations adopted or amended pursuant to this UDO shall be adopted by ordinance.

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.2. Quasi-judicial Development Approval

Quasi-judicial approvals involve the application of a discretionary standard required by this UDO to an application. It requires an Evidentiary Hearing and procedural due process requirements apply. When the Planning Board serves as a Recommending Body for an action requiring an Evidentiary Hearing by the Town Council, the Board may follow the rules for a Legislative Hearing to provide a preliminary forum for review, provided that no part of the forum or recommendation may be used as a basis for a decision by the Town Council.

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.3. Administrative Development Approval

- (A) Administrative Development Approvals involve the application of the standards of the UDO to an application by an administrative official or agency (typically the Planning Director, Town Engineer or Town Manager). A public hearing is not required. Administrative approvals may be referred to as Administrative Decisions. Applications for administrative Development Approvals must be made by a person with an interest in the property, such as a landowner, lessee, a person holding an option or contract to purchase or lease or an authorized agent of the landowner. Administrative Development Approvals shall be in writing, in print or electronic form.

Southern Pines Unified Development Ordinance

Chapter 2. Development Processes

(B) No administrative official shall make an Administrative Decision when a conflict of interest exists, per G.S. 160D-109(c).

(Ord. # 1716; Ord #1703; Ord. #1919)

2.5.4. No Occupancy, Use or Sale of Lots until Requirements Fulfilled

All Development shall comply with such approved plans and applications, as well as the provisions of this UDO. Approvals authorize the Applicant to commence specified activities. However, the intended use may not be established, no Building may be occupied and in the case of Subdivisions no Lots may be sold until all of the requirements of this UDO and additional requirements imposed pursuant to approval have been met.

2.5.5. Authorizing Use or Occupancy before Completion of Development

(A) Subject to TRC comments, Planning Director may authorize the use or the occupancy of Developments prior to completion if:

- (1) The Applicant provides security satisfactory to the Planning Director that is sufficient to ensure that all approval requirements will be fulfilled by a specified date not to exceed twelve (12) months as determined by the Planning Director; and

- (2) The security shall be sufficient to ensure compliance and be approved by the Town Attorney prior to the Planning Director authorizing the intended use or occupancy.

(Ord. #1919)

(B) The authorization identified in this section is limited to the following:

- (1) When, because of weather conditions or other factors beyond the control of the Applicant, exclusive of financial hardship, it would be unreasonable to require the Applicant to comply with all of the requirements of this UDO prior to commencing the intended use of the property or occupying any Buildings;
- (2) The authorized use or occupancy is consistent with an approved phasing plan;
- (3) When the Town Council imposes additional requirements pursuant to SUPs or the Applicant proposes to install amenities beyond those required by this UDO; or
- (4) When the Developer is selling only undeveloped Lots after Final Plat approval and acceptance of surety or improvements.

Exhibit 2-1: Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Approvals Requiring a Public Hearing:					
Comprehensive Plan Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.16
UDO Text Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
UDO Map Amendment	Legislative Hearing	Planning Board	Town Council	Superior Court	2.17
Planned Development District:					
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4

Amended

12-9-25

2-3

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a Quasi-judicial Decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					
Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 10,000 square feet Gross Floor Area)	---	Planning Director	Town Council	Superior Court	2.26
Architectural Compliance Permit (compliant with Section 4.10 and less than 10,000 square feet Gross Floor Area)	---		Planning Director	Town Council	2.26

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Minor-1, Minor-2, and Minor-3 Subdivisions (includes Lot splits, Lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32/ 2.49/ 2.50
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single-family Dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)		Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6

(Ord. #1714; Ord. #1716; Ord. #1703; Ord #1890; Ord. #1919; Ord. #2092; Ord. #3031; Ord. #3154)

Amended

12-9-25

2-5

2.5.6. Burden of Persuasion Regarding Approval

- (A) The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the requirements of the applicable ordinance(s) have been met. If the Applicant shows they meet all the requirements of this UDO, the Applicant is entitled to approval. If the Applicant fails to produce sufficient evidence to show they meet all the criteria, then the Hearing Body may deny the application or impose conditions to ensure compliance with this UDO.
- (B) Regarding appeals, neither party has the burden of proof or any right to any affirmative decision. An appeal of an Administrative Decision presents a question of law, which the Hearing Body considers de novo, meaning the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must interpret the ordinance to reflect the Town Council's intent when it adopted the ordinance. The Hearing Body shall not reverse or modify an Administrative Decision unless it finds that the administrative officer erred in the application or interpretation of the terms of this UDO or related policies adopted by the Town.

2.5.7. Pre-Application Conference

Before any application is filed with the Planning Director, the Applicant is strongly encouraged to attend a pre-application meeting with the Planning Director. The purpose of the pre-application meeting is to discuss, in general, the procedures and substantive requirements for the application.

2.5.8. Application Requirements

- (A) Appendix A of this UDO lists the detailed submittal requirements for each application listed in this chapter. Requests for any Development Approval required by this UDO shall be made on applications provided by the Planning Department, which may include submittal requirements, instructions for completing forms, internal procedures for filing of applications, and provisions for waiver by establishing administrative guidelines. All Applicants shall complete a written application containing the information established in Appendix A of this UDO.
- (B) Applications for Development Approvals will be accepted only from the owners or lessees of property, persons who have contracted to purchase

property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons. The Planning Director shall require evidence of the Applicant's authority to submit the application when there is a reasonable basis for questioning this authority.

- (C) Town Initiated Requests. The Town Manager, Mayor, Chair of the Planning Board or Town Council may initiate a request for any Development Approval or permit on behalf of the Town. Such requests shall not be subject to fees but shall otherwise follow the same procedures established herein.

(Ord. #2052)

2.5.9. Official Filing Date

The time for processing applications for Development Approval shall commence on the date that the Planning Director certifies that a completed application has been filed. Modification of any application by the Applicant following its filing and prior to action shall restart specified review times.

2.5.10. Application Processing

Following the Determination that an application is complete, the Planning Director shall review the application, forward the application for review to applicable advisory bodies, prepare all required reports, and schedule the matter for public hearing and/or decision within the time and in the manner required by this UDO.

2.5.11. Computation of Time

Unless otherwise specifically provided, time shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days intermediate Saturdays, Sundays and holidays shall be excluded. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

2.5.12. Streamlining the Review and Approval Process

- (A) **Accelerated Review.** The Planning Director shall be authorized to shorten the time required to process applications, provided there is no conflict with notification requirements.
- (B) **Concurrent Review.** For multi-step applications (e.g., Planned Developments and Subdivisions) and for Developments requiring multiple approvals, the Applicant may request concurrent review of multiple applications. The Decision-Making authority shall review such applications concurrently but take independent actions on each application. Approval of one application does not guarantee approval of others that are reviewed concurrently.

2.5.13. Applications to be Processed Expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the Applicant, the Town shall process applications as expeditiously as possible, while ensuring compliance with this UDO. Maximum time frames for actions are established in subsequent sections.

2.5.14. Continuance

- (A) Nothing in this section precludes an Applicant and the Planning Director from mutually agreeing to a continuance or extension of any time limit provided by this section.
- (B) If the Planning Director receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant’s request for a continuance will be automatically granted. An Applicant is not entitled to more than two (2) automatic continuances.
- (C) If the Planning Director receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant is not entitled to an automatic continuance. The Hearing Body will consider the request for a continuance and shall only grant such request upon a demonstration by the Applicant of good cause for a continuance.

- (D) If an Applicant receives a continuance, the Applicant shall reimburse the Town for all advertising costs associated with rescheduling the public hearing for the application. If the Applicant does not reimburse the Town for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn.

(Ord. # 1716; Ord. #1919)

2.5.15. Staff Consultation after Application Submitted

Upon receipt of a formal application, the Planning Director may confer with the Applicant to ensure that the Applicant understands the requirements of this UDO, to determine whether Applicant intends to submit additional information or to clarify that the application represents precisely and completely what the Applicant proposes to do.

2.5.16. Withdrawal of Pending Applications

- (A) An Applicant may withdraw an application at any time prior to issuance of a Development Approval. The Applicant shall provide written notice of the withdrawal to the Planning Director.
- (B) ~~If the Planning Director receives an Applicant’s written notice of withdrawal less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the Applicant shall be precluded from re-filing the same or substantially same application for the subject property for a period of three (3) months.~~
- (C) If an application is withdrawn, fees and costs will neither be refunded nor credited to any subsequent application.

2.6. COMPLETENESS REVIEW

2.6.1. Applications to Be Complete

- (A) No application is considered to have been submitted under this ordinance unless it is complete, all the information required herein is included, and all filing fees have been paid. The Planning Director shall determine whether an application has been submitted by conducting a completeness review pursuant to this section.

(Ord. #1919)

Commented [BG1]: Subsection (B) needs to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (e) under G.S. 160D-601 reads “A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from re-filing a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.” Subsections (A) and (C) still provide useful rules regarding withdrawing applications.

- (2) Additionally, the Town Engineer will periodically inspect the installation of all facilities and improvements to be dedicated to the Town for compliance with all standards and specifications.
- (M) **Maintenance of Dedicated Areas Until Acceptance.** All facilities and improvements with respect to which the Applicant makes an offer of dedication to public use shall be maintained by the Applicant until such offer of dedication is accepted.
- (N) **Maintenance of Common Areas, Improvements and Facilities.** Applicant shall be responsible for maintaining all common areas, improvements or facilities required by this UDO except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.
(Ord. # 1716)

2.21. SPECIAL USE PERMIT

2.21.1. Purpose

This section establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.

(Ord. # 1919)

2.21.2. Applicability

The provisions of this section apply to any application for approval of a SUP. Only those uses that are authorized as Special Uses in a zoning district, as set forth in Exhibit 3-15 shall be authorized by the Planning Board.

(Ord. # 1919)

2.21.3. SUP Process Overview.

The approval process and typical timing for Special Use Permit approval are summarized in Exhibits 2-17 and 2-18. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-17: SUP Approval Process Summary

SUP Process
Planning Board Preliminary Forum
Town Council Public Hearing

(Ord. #1959)

Exhibit 2-18: Timing

SUP Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Board Preliminary Forum Notice	25 days (from Completeness Certification)
Planning Board Decision	30 days (from Planning Board Preliminary Forum)
Town Council Public Hearing	25 days (from Planning Board Decision)
Town Council Decision	30 days (from Town Council Public Hearing)

(Ord. # 1919; Ord. #1959)

2.21.4. Initiation

The SUP application shall be filed with the Planning Director in compliance with Appendix A.

(Ord. # 1919)

2.21.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of section 2.6. No application is considered to have been submitted under this ordinance

unless it is complete, unless all of the information required herein is included, and all filing fees have been paid.

- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided in accordance with section 2.10.

(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.6. Criteria

A Special Use is permitted only if the Applicant demonstrates that:

- (A) The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;
- (B) The proposed special use shall conform to the character of the Neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
- (C) Adequate public facilities shall be provided as set forth herein;
- (D) The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the Neighborhood;
- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and
- (F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

(Ord. # 1716; Ord.#1919)

2.21.7. Conditions

- (A) In approving any SUP, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. Standards and conditions shall not include requirements for which the Town does not have authority

under statute to regulate, as identified in G.S. 160D-705(c). Such additional standards may include, but need not be limited to:

- (1) Adequate and reasonable mitigation of potentially adverse effects on adjacent properties. In making such a Determination, consideration shall be given to:
 - (a) The location, type, orientation, design and height of Buildings or structures;
 - (b) The type and extent of landscaping and screening on the site; and
 - (c) Whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities;
- (2) Provision of adequate public facilities or services;
- (3) Dedication of easements or land in fee title;
- (4) Funding for extraordinary costs associated with the Development through direct contribution or agreement to establish an acceptable funding mechanism;
- (5) Creation of restrictive covenants;
- (6) Development phasing;
- (7) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
- (8) Adequate measures to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads;
- (9) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement;
- (10) Provision of performance guarantee to the same extent and with the same limitations as in section 2.20.6 of this UDO and as acceptable in form, content, and amount to the Town Attorney to

ensure continued compliance with all conditions and requirements as may be specified; or

- (11) Other conditions that the Town Council finds are necessary to achieve the purposes of this section and UDO.

(Ord. #1716; Ord. #1919; Ord. #1959)

- (B) The Town Council may not attach conditions that provide regulatory relief from specific requirements set forth in this UDO unless the Development in question presents extraordinary circumstances that justify the variation from the specified requirements.

- (C) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

2.21.8. Planning Board Action

- (A) The Planning Board shall conduct a Preliminary Forum on the application.
- (B) In response to Planning Board discussion at the Preliminary Forum, the Applicant may modify the application prior to submission to the Town Council and the Planning Director may likewise revise the staff report.

(Ord. #1716; Ord. #1919; Ord. #1959)

2.21.9. Town Council Action

- (A) The Town Council shall take no final action on any matter before it without first obtaining a staff report from the Planning Director.
- (B) Within thirty (30) days of the Planning Board Preliminary Forum, the Town Council shall conduct an Evidentiary Hearing and approve, conditionally approve or deny the Application. If the application is conditionally approved, the Town Council shall obtain written consent to conditions by the landowner or permit Applicant. If the Application is denied, the Town Council shall advise the Applicant of the reason for denial.

(Ord. #1919; Ord. #1959)

~~2.21.10. Withdrawal and Subsequent Applications~~

- ~~(A) An application for a SUP may be withdrawn at any time.~~

Amended

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~~(B) If the application has been advertised in compliance with state law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within one (1) year of withdrawal.~~

~~(C) No application for a SUP for any Lot or Parcel that requests the same use and same conditions shall be considered within one (1) year of a final decision denying the application.~~

(Ord. #1919)

~~2.21.11-2.21.10. Effect of Approval~~

- (A) Once a SUP is granted, such use may be enlarged, extended, increased in intensity, or relocated following the same process as the initial application unless the initial approval specifically established alternative procedures for consideration of future expansion or enlargement.

- (B) The provisions of this UDO relative to expansion of nonconforming uses, do not supersede this requirement unless the special permitted use for which the Development Approval was initially granted is no longer a use permitted as of right or as a special use in the zoning district in which it is located.

(Ord. #1919)

~~2.21.12-2.21.11. SUP Amendments~~

- (A) **Major Amendments.** Except as allowed under Minor Modifications below, all changes to approved Special Use Permits are Major Amendments and shall follow the same process applicable for the original approval.

- (B) **Minor Modifications.** The Planning Director is authorized to review and approve administratively a minor modification to an approved Special Use Permit, subject to the following limitations.

- (1) **General Limitations.** The minor modification:
 - (a) Does not involve a change in uses permitted or the density of overall Development permitted;
 - (b) Does not increase the impacts generated by the Development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original Development Approval; and

Commented [BG2]: This whole section may be removed. First, the issue of withdrawal for any type of Development Approval is addressed in UDO 2.5.16. There doesn't need to be a special section under Special use Permit addressing application withdrawal. Second, subsections (B) and (C) need to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (c) under G.S. 160D-601 reads "A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refileing a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

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- (c) Meets all other requirements of this UDO and complies with all conditions of the Special Use Permit approval.

(Ord. #1703; Ord. #1919)

2.21.13.2.21.12. Revocation of Special Use Permits.

Any Special Use Permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:

- (A) Non-compliance with any conditions or requirements imposed by the UDO or by the Town Council at the time of approval of the Special Use Permit.
- (B) Violation of any provisions of the UDO pertaining to the use of the land, construction or uses of Buildings or structures or activities conducted on the Premises by the Applicant or agents of the Applicant.
- (C) Violation of any other applicable UDO provisions or any state or federal law or regulation by the Applicant or agents of the Applicant, provided that such violations relate to the conduct or activity authorized by the Special Use Permit or the qualifications of the Applicant or its agents to engage in such conduct or activity.

(Ord. #1919)

2.21.14.2.21.13. Recording Procedures

Development Approvals for SUPs shall be recorded in the Moore County Registry. Nothing authorized by the SUP may be undertaken until the owner of record of the property Signs a written acknowledgment that the approval has been issued so that the permit may be recorded and indexed under the record owner's name as grantor.

(Ord. #1919)

2.22. VARIANCE

2.22.1. Purpose and Applicability

The Board of Adjustment shall have the power to vary the certain UDO regulations when the Applicant demonstrates that the criteria in this section justify relief from the strict application of the regulations in this UDO. No change in permitted uses may be authorized by variance.

2.22.2. Variance Process Overview

The approval process and typical timing for Variances are summarized in Exhibits 2-19 and 2-20. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Exhibit 2-19: Variance Approval Process Summary

Variance Process	
Application, Review and Notice	
Board of Adjustment Public Hearing	

Exhibit 2-20: Timing

Variance Timing	
Completeness Review	5 business days (from Application Submittal)
Board of Adjustment Public Hearing	30 days (from Completeness Certification)
Board of Adjustment Decision	30 days (from Board of Adjustment Public Hearing)

2.22.3. Initiation

The Variance application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall state fully the special conditions applying to the Building, other structure or land for which such variance is sought and how the application satisfies the criteria established herein.

2.22.4. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete and considering TRC comments, the Planning Director shall prepare a report making findings

2.24.2. Common Law Vested Rights

Common law vested rights shall be acknowledged by the Planning Director after consultation with the Town Attorney if the Applicant for common law vested rights does not demonstrate entitlement to statutory vested rights as provided in this section. The Applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

- (A) In reliance upon lawfully issued Development Approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development Approval;
- (B) The Applicant has proceeded in good faith, has relied upon the issuance of the Development Approval, and such Development Approval has not lapsed or been revoked;
- (C) The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- (D) The Applicant has not obtained a favorable statutory vested rights Determination.

(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION**2.25.1. Initiation**

The Planning Director shall investigate alleged violations of the requirements of this UDO and conditions imposed upon Development Approvals. If the Planning Director determines that revocation of a Development Approval is appropriate, he or she shall notify the holder in writing stating the reasons(s) for the revocation. A recommendation, including the reason or reasons for their Determination, shall be made to the same Reviewing Body that granted the Development Approval after providing notice as required in section 2.10.

(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

The Reviewing Body shall conduct an Evidentiary Hearing and shall approve, conditionally approve, or deny the Planning Director's recommendation regarding the revocation of the Development Approval.

The Reviewing Body's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.

(Ord. #1919)

2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

- (A) The intentional provision of materially misleading information by the Applicant (the provision of information is considered "intentional" where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and
- (B) The failure to comply with any condition of a Development Approval.

2.25.4. Appeals

An aggrieved party may appeal the Reviewing Body's decision as depicted in Exhibit 2-1. The appeal shall be presented within thirty (30) days of action by the Reviewing Body.

(Ord. #1919)

2.25.5. Right Cumulative

The right to revoke a Development Approval, as provided in this section, is cumulative to any other remedy allowed by law.

2.26. ARCHITECTURAL COMPLIANCE PERMIT**2.26.1. Purpose**

This section enables the Town Council and the Developer of a Multi-Family, institutional, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.

(Ord. # 1716; Ord. #2092)

2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of any Multi-Family, institutional, commercial or mixed-use Building with ten thousand (10,000) square feet or more of Gross Floor Area;
 - (2) Significant modification of any Multi-Family, institutional, commercial or mixed-use Building resulting in a Building with a total of ten thousand (10,000) square feet of Gross Floor area; or
 - (3) Any new construction or modification of a Multi-Family, institutional, commercial, or mixed-use Building that, in the opinion of the Planning Director does not comply with the commercial Building design standards in section 4.10.
- (B) All other Multi-Family, institutional, commercial and mixed-use Building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.
(Ord. # 1716; Ord. #2092)

2.26.3. Architectural Compliance Permit Process Overview

- (A) The approval process and typical timing for Town Council decision on Architectural Compliance Permits (if required per this section) are summarized in Exhibits 2-23 and 2-24. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- ~~(B) **Subsequent Applications.** If the Architectural Compliance Permit is denied, a new application proposing the same architecture for the same property shall not be filed within six (6) months after a final decision.~~
(Ord. # 1716; Ord. #2092)

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process	
Application, Review	
Town Council Decision	

Exhibit 2-24: Timing

Architectural Compliance Permit Timing	
Completeness Review	5 business days (from Application Submittal)
Town Council Meeting	30 days (from Completeness Certification)
Town Council Decision	30 days (from Meeting)

(Ord. #2092)

2.26.4. Initiation

The Architectural Compliance Permit application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall include a dimensioned Site Plan, elevation drawings, and color renderings in sufficient detail to enable the Council to evaluate compliance with the applicable Design Standards of the UDO.

(Ord. #2092)

2.26.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete the Planning Director shall prepare a report making findings and recommendations on the application.
(Ord. #1919)

Commented [BG3]: Subsection (B) needs to be removed per SL 2025-94 wherein a change was made to G.S. 160D-601. New subsection (e) under G.S. 160D-601 reads "A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval." Subsection (A) should remain as a description of the review process.

2.26.6. Town Council Action

If Town Council review is required per this section, the Town Council shall approve, conditionally approve, or deny the application based on the criteria in the following section.

(Ord. #2092)

2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless:

- (A) For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO; and
- (C) The application is consistent with applicable conditions of prior Development Approvals.

(Ord. # 1716; Ord. #2092)

2.26.8. Effect of Approval

Development activities subject to this section shall conform to the approved application and any conditions or restrictions. Any deviation from the approved Architectural Compliance Permit, unless approved in advance and in writing by the Planning Director is deemed a violation of the UDO.

(Ord. #1919; Ord. #2092)

2.27. DESIGNATION OF HISTORIC DISTRICTS**2.27.1. Approval Criteria and Decision**

The Town Council may designate from time to time one or more historic districts within the jurisdictional boundaries of the Town. No historic district(s) shall be designated until:

- (A) The Southern Pines Historic District commission shall have made an investigation and report on the historic significance of the Buildings,

structures, features, sites or surroundings included in any such proposed district and shall have prepared a description of boundaries of such district.

- (B) The Southern Pines Historic District Commission shall have requested an analysis and recommendation based on the report required in (A) of this subsection from the NC Department of Cultural Resources, including the proposed boundaries of the district. If the department has not provided the requested analysis and recommendations within (30) thirty days after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations and may at any time thereafter take any necessary action to adopt or amend this UDO.

2.28. CERTIFICATE OF APPROPRIATENESS – MAJOR WORK**2.28.1. Applicability**

- (A) A Certificate of Appropriateness issued by the Historic District Commission is required prior to any Major Work or the issuance of a Building permit or other permit for Major Work. A Certificate of Appropriateness shall be required whether or not a Building permit is required. Any Building permit or other permit not issued in conformity with this section shall be invalid.
- (B) Major Work includes any of the activities defined as Major Work herein as interpreted by the Planning Director.
- (C) Major Work excludes any activities defined as Minor Work or Ordinary Maintenance.

2.28.2. Application Submittal Requirements

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) The Commission may specify criteria for situations in which the Planning Director may waive any of the application material requirements.
- (C) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A. Applications that are not

complete shall be returned forthwith to the Applicant, with a notation of the deficiencies in the application.

2.28.3. Notification of Affected Property Owners

Prior to an Evidentiary Hearing on an application for a Certificate of Appropriateness for Major Work, the Planning Director shall provide notice in accordance with section 2.10.

(Ord. #1919)

2.28.4. Evidentiary Hearing

(A) An Evidentiary Hearing shall be conducted by the Commission in accordance with section 2.14 of this UDO within sixty (60) days of the acceptance of a complete application, or within such further time consented to by written notice from the Applicant. The Commission shall approve, approve with conditions or deny the application based on the criteria established in section 2.28.10. If the application is conditionally approved, the Commission shall obtain written consent to conditions by the landowner or permit Applicant.

(B) Failure of the Commission to take final action on an application within the prescribed time limit, or extensions thereof shall result in approval of the application as submitted.

(Ord. #1919)

2.28.5. Relocation or Demolition

(A) An application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a Building or structure within the Historic District may not be denied. However the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use off or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the Building. If the Commission finds that the Building has no particular Significance or value toward maintaining the character of the Historic

District, it shall waive all or part of such period and authorize earlier demolition or removal.

(B) In every case, the record of the Commission's action shall include the reasons for its action.

2.28.6. Actions Subsequent to Decision

The Planning Director shall notify the Applicant of the Commission's decision in writing and shall file a copy of it with the Town's Planning Department. If the Applicant is denied, the notice shall include the reasons for such action.

2.28.7. Appeal of Decision

A decision by the Commission on an application for a Certificate of Appropriateness may be appealed to the Board of Adjustment following the same procedures and timelines described in this ordinance for appeals of Administrative Decisions and Determinations.

(Ord. #1890; Ord. #1919)

2.28.8. Submission of New Application

If the Commission denies an application for a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantive change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

2.28.9. Modifications to Applications

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the Applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall request the Applicant to notify affected property owners following the procedures set forth herein before taking action on the modification. The Commission shall thereupon treat the request in the same manner as another application as outlined in herein.

Commented [BG4]: This section does not specifically create any sort of waiting period, it just prohibits the same submittal. Ok per Planning Director and Town Attorney to leave as-is.

2.28.10. Criteria

- (A) In considering an application for a Certificate of Appropriateness, the Commission shall take into account the historical and/or architectural Significance under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from a public Right-of-Way. The Commission shall not consider interior arrangement or use.
- (B) The Commission shall consider the following factors when determining whether the application is or is not congruous with the historic aspects of the Historic District:
- (1) The height of the Building in relation to the average height of the nearest adjacent and opposite Buildings.
 - (2) The Setback and placement on Lot of the Building in relation to the average Setback and placement of the nearest adjacent and opposite Buildings.
 - (3) Exterior construction materials, including texture and pattern.
 - (4) Architectural detailing, such as lintels, cornices, brick bond and foundation materials.
 - (5) Roof shapes, forms and materials.
 - (6) Proportion, shape, positioning and location, pattern and size of any elements of fenestration.
 - (7) General form and proportions of Buildings and structures.
 - (8) Appurtenant fixtures and other features such as lighting.
 - (9) Structural conditions and soundness.
 - (10) Architectural scale.
 - (11) Secretary of the Interior Guidelines.
- (C) Prior to approving the application, the Commission shall make the following findings:
- (1) Work is Compatible and appropriate in preserving, retaining, repairing, or restoring the defining historic character of a property

and the district. Specifically, the work is considered Compatible and appropriate in terms of material, design, dimensions, mass, scale, orientation, color and other applicable considerations;

- (2) Work does not damage or remove significant character defining features of the Building and will not adversely affect its contribution to the larger historic district; and
- (3) Work is consistent with the adopted design standards for the historic district.

(Ord. #1919)

2.28.11. Parking Waiver

Where the Historic District Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by this ordinance for a Building or structure for which a Building permit is requested would render the Building and/or parking area incongruous with the historic aspects of the district, it shall recommend to the Planning Board a waiver, in part or in whole, of the off-street parking requirements. The Planning Board may authorize a lesser number of off-street parking spaces, provided that:

- (A) The Planning Board finds that the lesser number of off-street parking spaces will not create problems due to increasing on-street parking; and
- (B) Will not constitute a threat to the public safety.

2.28.12. Restoration or Reconstruction

- (A) Where it is found by the Historic District Commission that an application for a Building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original configuration of a structure of historic and/or architectural significance to the historic district, such activity may be approved by the Town Council, following approval by the Historic District Commission. This allows the waiver of zoning requirements which would otherwise prevent the authentic restoration or reconstruction of a structure so long as said improvement shall meet the requirements of the Commission.

- (B) The Town Council shall not be authorized, in action undertaken by this section, to approve a use of property which is not a use permitted by right or as a special use within the district in which the property is located.
- (C) In addition to any other conditions the Town Council may make regarding such authorization, any items restored, reconstructed or maintained on, over or within a public sidewalk, public alley area or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Southern Pines harmless against any and all liability, costs, damage or expenses suffered by the Town of Southern Pines as a result of or growing out of the restoration, reconstruction or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed or maintained. Any such item projecting over the Right-of-Way of a street or alley shall be, at its lowest point, twelve (12) feet above the travel way.

(Ord. #1919)

2.29. VACATION OF STREETS OR ALLEYS

2.29.1. Purpose and Applicability

This section establishes the process for approving the elimination of a Street or Alley, in whole or in part.

2.29.2. Initiation

The process may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing.

(Ord. # 1716)

2.29.3. Notice

The Town Manager shall cause the notice to be published once a week for four successive weeks prior to the hearing, mail a copy of the notice by registered or certified mail to all the owners of property adjoining the street or alley and post notice in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. No street or alley under the control of the Department of Transportation may be

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closed unless the Department of Transportation consents thereto. The cost of notice shall be borne by the Applicant for the vacation.

(Ord. # 1716)

2.29.4. Decision

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the Town Council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the Subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Council may adopt an order closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

2.29.5. Appeals

Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the Council's order to the District Court within 30 days after its adoption.

2.29.6. Ownership

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the Right-of-Way shall be conclusively presumed to be vested in those persons owning Lots or Parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of Right-of-Way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

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- (C) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

2.29.7. Recording Procedures

The recorder of deeds shall write legibly on the vacated plat the word "vacated," and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(Ord. #1714)

PART III – PERMITS AND APPROVALS NOT REQUIRING A PUBLIC HEARING

2.30. ADMINISTRATIVE DEVELOPMENT APPROVALS

2.30.1. Generally

- (A) Administrative Development Approvals are routine, non-discretionary UDO implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Director is a purely administrative agent following the literal provisions of this UDO.
- (B) The Planning Director may engage in some fact finding, to determine objective facts that do not involve an element of discretion. In contrast to evidentiary and Legislative Hearings, Administrative Decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this UDO.
- (C) No notice shall be required for an administrative permit issued pursuant to this UDO unless otherwise provided by this Ordinance or by law.

(Ord. #1919)

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2.30.2. Application for Permit

Written application shall be made for all permits required by this chapter. Such application shall be made by the owner of the Building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a permit is required.

2.30.3. Records

The Planning Director shall maintain a record of all administrative Development Approvals. Copies shall be furnished, upon request, to any person upon the payment of a fee established by the Planning Director.

2.30.4. Plans and Specifications

Where plans and specifications are required, a copy of the same marked "approved" by the Permit Issuing Authority shall be available at the work site for all inspections.

2.30.5. Completeness Review

The Planning Director shall review all applications to determine if the application has been submitted and is complete pursuant to section 2.6.

(Ord. #1919)

2.30.6. Resubmittals Due to Incompleteness

- (A) If a permit application it is not complete, it shall be returned to the Applicant with instructions for completion and resubmittal. The Applicant shall have thirty (30) days from the date of notification to revise and resubmit the application.
- (B) There is no charge for a resubmittal within this period. If the Applicant fails to revise and resubmit the application within this period or to submit a complete application after two (2) submittals, the application shall be deemed withdrawn.
- (C) Thereafter, a resubmittal of an application for the same site shall constitute a new application subject to the payment of fees and commencing a new timeline for action.
- (D) Upon receipt of any resubmittal of the application, a new completeness review period shall begin.

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2.30.7. Resubmittals Due to Non-Compliance

Upon Determination that a permit application does not comply with standards and regulations set forth in this UDO, or requires extensive revision in order to comply with said standards and regulations, the Permit Issuing Authority shall deny the application. Up to two (2) resubmittals of an application that was denied for non-compliance with the UDO may be made within sixty (60) days of the initial action. Subsequent submittals shall be considered new applications.

2.30.8. Limitations on Issuance of Permits

- (A) No permit shall be issued for work on any new or existing structure unless the plans and specifications thereof contain information sufficient to indicate that the work proposed will conform to the provisions of this UDO.
- (B) No permit shall be issued for new construction where Town water or sewer mains are not available without written approval by the Moore County Health Department of the required water supply or waste disposal systems.
- (C) No permit shall be issued to any person who has failed after notice to remedy defective work, or has failed to pay a civil penalty assessed pursuant to this UDO which is due and for which no appeal is pending, or to otherwise comply with the Code of the Town, the regulations adopted therein, or the laws of the State of North Carolina.
- (D) No licensed contractor shall secure a permit for any other person or persons not qualified in accordance with the provisions of the technical codes to do any work covered by the regulatory codes.
- (E) No Building or flood permit shall be issued during the pendency of an application for the revision of a floodprone area boundary of such property unless the proposed construction or filling is permitted under the existing regulations and under the revision proposed for the property.
- (F) No permit authorized by this UDO shall allow construction to begin on a site until the boundaries of any natural resource buffer yard, any open space area, any riparian surface water buffers, and any tree protection adjacent to or encompassing a work site are clearly and accurately demarked by a protective fence in the field. The location and extent of all

authorized land-disturbing activities shall be similarly demarcated for so long as any land-disturbing activity continues.

- (G) If the Historic Preservation Commission has voted to recommend designation of an area as an Historic Overlay District, or if the North Carolina Historic Commission has voted to recommend designation of a property as an historic landmark, the demolition or destruction of any Building, site, or structure located in the proposed district or on the property of the proposed historic landmark may be delayed by the commission with jurisdiction for a period of up to one hundred eighty (180) days or until the Town Council takes final action on the designation, whichever occurs first. Should the Council approve the designation prior to the expiration of the one hundred eighty (180) day delay period, an application for a certificate of appropriateness for demolition must then be requested.

2.30.9. Issuance of Development Approval

The Permit Issuing Authority shall review applications for conformance with this UDO, the appropriate regulatory and technical codes adopted herein, and the laws of the State. Unless review and approval is required by an external agency, the Permit Issuing Authority shall approve, approve with conditions, or deny applications within thirty (30) days of receipt of a complete application. Applications that are denied shall have the reasons for denial, in writing, attached to the application. The Applicant and the Town may agree to extend the response time contained in this section.

(Ord. #1919)

2.31. ADOPTION OF TECHNICAL CODES

2.31.1. Technical Codes

The term technical codes as used here shall mean the collective provisions of the North Carolina: Building, Accessibility, Plumbing, Electrical, Mechanical, Fire Prevention, Fuel Gas, Energy, Existing Buildings and Residential codes as adopted by the North Carolina Building Code Council, and the Rehabilitation Code established pursuant to 2001 Session Laws Chapter 372.

- (A) The most recent edition, including all subsequent amendments, of the North Carolina Building Code, as adopted by the North Carolina Building

Commented [BG5]: If read carefully, in the context of Administrative Approvals, this is not a waiting period “prohibiting a landowner, developer or applicant from refileing a denied application for a...development approval.”

- (3) The loading area requirements of this section cannot be satisfied because there is not sufficient area available on the Lot that can practicably be used for loading and unloading.

4.6. SIGNS

This section shall be known as the Town of Southern Pines Sign Code and may be referred to as the Sign code throughout this UDO.

4.6.1. Purposes

This Sign Code is intended to promote the public health, safety and general welfare through reasonable, consistent, content neutral, and non-discriminatory Sign standards. The Sign regulations are intended to:

- (A) Encourage the effective use of Signs as a means of communications in the Town;
- (B) Regulate the appearance and design of Signs in a manner that promotes and enhances the beautification of the Town, and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse affect of Signs on nearby public and private property;
- (E) Foster the integration of Signage with architectural and landscape designs;
- (F) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height and excessive size (area) of Signs that compete for the attention of pedestrian and vehicular traffic;
- (G) Allow Signs that are Compatible with their surroundings and aid orientation, while precluding the placement of Signs that contribute to Sign clutter or that conceal or obstruct adjacent land uses or Signs;

- (H) Encourage and allow Signs that are appropriate to the zoning district in which they are located and consistent with the category of use, activity and function to which they pertain;
- (I) Curtail the size and number of Signs and Sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (J) Establish Sign size in relationship to the scale of the Lot and Building on which the Sign is to be placed or to which it pertains;
- (K) Prescribe time, place, and manner regulations appropriate for different locations, uses, and zoning districts consistent with applicable state and federal law;
- (L) Preclude Signs from conflicting with the Principal Permitted Use of the site and adjoining sites;
- (M) Regulate Signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (N) Except to the extent expressly preempted by state or federal law, ensure that Signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe Signs;
- (O) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (P) Protect property values by precluding, to the maximum extent possible, Sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness or movement;

(Q) Protect property values by ensuring that Sign types, as well as the number of Signs, are in harmony with Buildings, Neighborhoods and conforming Signs in the area; and

(R) Enable the fair and consistent enforcement of these Sign regulations. (Ord. #3141)

4.6.2. Applicability

The provisions of this Sign Code are applicable to all Signs, except as specifically provided in this section, authorized as part of a Variance, PD, Conditional Zoning district, or Certificate of Appropriateness approval, or allowed for a Development Pattern authorized in a specific zoning district. (Ord. #3031)

4.6.3. Substitution of Noncommercial Speech for Commercial Speech

Any Sign erected pursuant to this Sign Ordinance, or otherwise lawfully existing with a commercial message, may, at the option of the owner, contain a noncommercial message. The noncommercial message may occupy the entire Sign face or any portion thereof. The Sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the Sign, provided that the Sign is not a prohibited Sign or Sign type. (Ord. #3141)

4.6.4. Severability clause.

If any provision of the Sign Code is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Sign Code or this UDO regulating Signs, and all of such provisions shall remain in full force and effect. (Ord. # 1716)

4.6.5. Determining the Number of Signs

(A) For the purpose of determining the number of Signs, a Sign shall be considered to be a single display surface or display device containing

elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single Sign.

(B) A multi-sided Sign shall be regarded as one Sign.

(C) One (1) Logo Emblem Sign is allowed in addition to the permitted number of Wall Signs.

4.6.6. Computation of Sign Area

(A) The surface area of a Sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(B) If the Sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the Sign area. The area between a Wall Sign and a Logo Emblem Sign is exempt from the computation of Sign area. In the instance an establishment has a Wall Sign and Logo Emblem Sign on the same frontage, the area between the Wall Sign and the Logo Emblem Sign will not count towards the computation of the Sign area; only the surface area of the Sign shall be included in the computation of the Sign area.

(C) With respect to two-sided, multi-sided or three dimensional Signs, the surface area shall be computed by including the total of all sides designed either to attract attention or communicate information that can be seen at one time by any person from any vantage point. For example, with respect to a typical two-sided Sign where a message is

printed on both sides of a flat surface, the Sign area of one side (rather than the sum total of both sides) shall be regarded as the total Sign area of that Sign, since one can see only one side of the Sign from any vantage point.

- (D) With respect to V-shaped Signs, the surface area shall be calculated as in paragraph (C) above provided that the angle of the intersecting Sign planes does not exceed ninety (90) degrees. If the angle of the intersecting Sign planes exceeds ninety (90) degrees, Sign area shall be computed as it would for a one-sided Sign.
- (E) In computing items of information, letters less than three (3) inches in height, if contained in a Wall Sign, shall not be counted.

4.6.7. Total Sign Area

- (A) **Total Sign Area Limited.** Unless otherwise provided in this section 4.6, the total surface area devoted to all Signs on any Lot shall not exceed the limitations set forth in this section, and all Signs except Temporary Signs shall be included in this calculation.
- (B) **Residential Districts.** Unless otherwise provided in this article or chapter 5, the maximum Sign area permitted on any Lot in any residential district is four (4) square feet.
- (C) **GB and I Districts.** Subject to the other provisions of this section, the maximum total Sign area on any Lot in the GB or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one (1) foot. However, in no case may the total Sign area exceed five-hundred (500) square feet.
- (D) **Other Commercial Districts.** Subject to the other provisions of this section, the maximum Sign area permitted on any Lot in a commercial district other than the GB district or I district shall be determined by multiplying the number of feet of street frontage of the Lot by one-half (0.5) feet. However, in no case may the total Sign area exceed one-hundred (100) square feet.

- (E) **Multiple Frontage Lots.** If a Lot has frontage on more than one (1) street, then the total Sign area permitted on that Lot shall be the sum of the Sign area allotments related to each street on which the Lot has frontage. However, the total Sign area that is oriented toward a particular street may not exceed the portion of the Lot's total Sign area allocation that is derived from frontage on that street.
- (F) **Lots with No Frontage.** Whenever a Lot has no street frontage on any Lot boundary and an Applicant desires to install on such a Lot a Sign that is oriented toward a street, then the total Sign area permitted on that Lot shall be the Sign area that would be allowed if the Lot boundary closest to the street toward which such Sign is to be oriented fronted on such street.
- (G) **Wall Signs.** The area of any Sign located on a wall of a structure may not exceed fifty (50) percent of the total surface area of the wall on which the Sign is located.
- (H) **Signs within the Historic District Overlay.** Subject to other provisions of this section, the maximum total Sign area permitted for Signs for on-premises commercial Signs located within the Historic District Overlay is fifteen (15) square feet for establishments with frontage on one street and twenty-five (25) square feet for establishments with frontage on two streets. Properties located Residential zoning districts within the Historic District Overlay are limited to a maximum total Sign area of four (4) square feet.

(Ord. #3141)

4.6.8. Freestanding Sign Area

- (A) For purposes of this section, a side of a Freestanding Sign is any plane or surface included in the calculation of the total Sign area as provided in section 4.6.6. For example, Wall Signs typically have one side. Freestanding Signs typically have two sides (back-to-back), although four-sided and other multi-sided Signs are also common.

- (B) A single side of a Freestanding Sign may not exceed thirty-five (35) square feet on Lots with less than four-hundred (400) feet of frontage and fifty (50) square feet on Lots with four-hundred (400) or more feet of frontage on the street toward which the Sign is primarily oriented.
- (C) With respect to Freestanding Signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, no such Freestanding Sign may exceed the maximum total surface area allowed under paragraph (B) of this section for a single side of a Freestanding Sign.

4.6.9. Number of Signs Allowed

(A) Freestanding Signs

- (1) Except as authorized by this section, no Development shall have more than one (1) Freestanding Sign.
- (2) If a Development is located on a corner Lot that has at least one-hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the Development may have not more than one (1) Freestanding Sign along each side of the Development bordered by such streets.
- (3) If a Development is located on a Lot that is bordered by two public streets that do not intersect at the Lot's boundaries (double front Lot), then the Development may have not more than one (1) Freestanding Sign on each side of the Development bordered by such streets.
- (4) For property with no less than nine-hundred (900) feet of frontage that abuts the US Highway 1 corridor that has topography substantially or completely blocking the view of a business Sign by passerby motorists from each direction, the positioning of one (1) additional Sign (no more than (2) two frontage Signs in total), one at each end of the property will be permitted. This is intended to provide the business with reasonable highway motorist exposure as other businesses

have located on either side of the highway corridor. The additional Sign must conform to the requirements as specified in this section 4.6 of the UDO, and shall not to exceed sixteen (16) square feet in size.

- (5) All Freestanding Signs shall be of a shape that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

(B) Wall and Logo Emblem Signs

- (1) Only one (1) Wall Sign and one (1) Logo Emblem Sign per establishment are permissible except as authorized in this section.
- (2) A second Wall Sign may be established if the business has frontage on more than one street.
- (3) A secondary Wall Sign may be placed between the business establishment and its principal parking area if there is no parking between the business establishment and a street. The area of the secondary Wall Sign shall not exceed the lesser of thirty-five (35) square feet or the maximum size allowed for the street facing Wall Sign.
- (4) A Plaque-inset Sign that does not exceed 3.5 square feet is not considered a Wall Sign.

4.6.10. Sign Location and Height Requirements

- (A) No Sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.
- (B) No Wall Sign attached flat to a Building may project more than twelve (12) inches from the Building wall. Projecting Signs may, however, exceed the twelve (12) inch limit. One Projecting Sign not to exceed four (4) square feet in Sign area, may be allowed per establishment in

the CB zoning district. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.

- (C) No Sign or supporting structure may be located in or over the traveled portion of any public Right-of-Way unless the Sign is attached to a structural element of a Building and an encroachment permit has been obtained from the Town.
- (D) No part of a Freestanding Sign may exceed a height, measured at average grade at the base of the Sign, established in Exhibit 4-9.

Exhibit 4-9: Maximum Sign Height

District	Height
All residential districts and uses	7 feet
All non-residential districts and uses	10 feet

- (E) Additional Sign height restrictions for Lots located within an airport hazard overlay district are established section 3.6.7. *(Ord. #3141)*

4.6.11. Sign Illumination and Signs Containing Lights

Unless otherwise prohibited by this section 4.6, Signs may be illuminated only if such illumination is in accordance with this section.

- (A) No Sign within one-hundred-fifty (150) feet of a Residential Zone may be illuminated between the hours of 12 midnight and 6:00 a.m..
- (B) Lighting directed toward a Sign shall be shielded so that it illuminates only the face of the Sign and does not shine directly into a public Right-of-Way or residential Premises.
- (C) Subject to paragraph (E) of this section, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows or similar areas are prohibited.

- (D) Subject to paragraph (E) of this section, any illuminated Sign shall be lighted with non-flashing and motionless illumination. Signs shall not include or have the appearance of animation or electronic changeable message(s).
- (E) Exceptions to these Sign illumination requirements as follows:
 - (1) Paragraph (C) does not apply to:
 - (a) Strings of miniature white lights in the **CB** District;
 - (b) Lights used on theater marquees in the Central Business District;
 - (c) A single lighted Window Sign measuring no larger than one square foot in area; and
 - (d) Architectural accent lights for which the source is completely screened from view from all streets, sidewalks and abutting property lines. Such accent lights shall be downlit, shall not illuminate more than thirty (30) percent of the length of any wall and shall be subject to approval through the Architectural Compliance Permit process.

(Ord. #3141)

4.6.12. Subdivision and Multi-Family Development Entrances

- (A) At any entrance to a residential Subdivision or Multi-Family Development, there may be either one double faced identification Sign not to exceed thirty-two (32) square feet in size or two (2) single faced Signs not to exceed thirty-two (32) square feet per face. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.
- (B) In addition to any Signs at an entrance, Subdivisions may have Signs within the Development at the entrances to specific sections within the Subdivision. A section may have two (2) single face Signs not to exceed sixteen (16) square feet in size per face. The Subdivision may have one (1) section Sign (up to two (2) Sign faces) for each thirty (30)

Lots, Townhouses or Condominium Dwelling Units. Section Signs shall be available to PD districts and shall not be visible from the main thoroughfare or any other street from which the Subdivision obtains access. Such Signs must be of a Monument style and shall not exceed six (6) feet in height.

(C) At any entrance to an office/commercial/industrial Development there may be one double-faced Sign not to exceed one-hundred (100) square feet in size. Such Signs must be of a Monument style. Maximum height of such Sign(s) is ten (10) feet. To qualify for such Signage the Development must be a minimum of fifty (50) acres in size; the Development is limited to two (2) Signed entrances with a minimum one thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be located parallel to the entrance road outside of any Traffic Visibility Triangle.

(D) At any entrance to an office-subdivision there may be one (1) double-faced Sign not to exceed thirty-two (32) square feet in size. Such Signs must be of Monument style. Maximum height of such Sign(s) is seven (7) feet. To qualify for such Signage, the Development must be a minimum of ten (10) acres in size. The Development is limited to two (2) Signed entrances with a minimum one-thousand (1,000) feet of separation between Signs on the same street. Such Signs shall be parallel to the entrance road outside of any Traffic Visibility Triangle.

(Ord. #3141)

4.6.13. Shopping Center Signs

- (A) Shopping Centers are required to maintain a Unified Sign Plan.
- (B) Signs in Shopping Center Developments are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs and certain Temporary Signs delineated in section 4.6.16.
- (C) One (1) Monument Sign per Shopping Center is permitted. However, for Developments having multiple arterial street frontages one additional Monument Sign may be approved for each arterial street

frontage. Monument Sign area is calculated at one (1) square foot of Sign area for each linear foot of street frontage or one-hundred (100) square feet of Sign area, whichever is less. Monument Signs shall not exceed a height of ten feet. Additional Monument Signs may be permitted for out-Parcel Buildings within a Shopping Center Development provided that:

- (1) There is only one (1) Freestanding Sign per out-Parcel;
- (2) The maximum Sign area for the Monument Sign is thirty-two (32) square feet;
- (3) The maximum height of the Monument Sign is ten (10) feet; and
- (4) The Sign is not located within one hundred (100) feet of any other Freestanding Sign.

(D) One Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's parking is not located between the establishment and street. Allowable Wall Sign area is determined as follows:

- (1) Establishments with a Building Frontage of fifty (50) feet or less shall have no Sign greater than thirty-five (35) square feet.
- (2) Establishments with a Building Frontage greater than fifty (50) feet shall have a maximum Wall Sign area of one (1) square foot of Sign area for each 1 foot of Building Frontage or two-hundred (200) square feet of Sign area, whichever is less.

(E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for Signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in Sign area. The bottom edge of such Projecting Signs must be located at least eight (8) feet above the sidewalk.

4.6.14. Landmark Signs

- (A) Landmark Signs are on-premises monument structures identifying the name of a specific sub-area or major mixed-use Development. Landmark Signs shall only display the name of the sub-area or overall Development and shall not depict the name of any businesses or Subdivisions within the project area.
- (B) Landmark Signs are only permitted in the PD (Planned Development) zoning classification.
- (C) The location and number of Landmark Signs permitted within a Development will be determined during the Planned Development application process for the entire Development. For Existing Developments eligible for Landmark Signs, the location and number of Landmark Signs will be determined by the Town of Southern Pines Planning Staff.
- (D) No Landmark Sign shall be located within one thousand two hundred (1,200) feet of another Landmark Sign.
- (E) If a Landmark Sign is used as part of commercial Development project, the Sign shall be counted as an authorized Monument Sign.
- (F) Landmark signs must be submitted to the Town Council for review and approval through the Architectural Compliance Permit process. Landmark Signs must complement the character and architectural design of the Development. Landmark Signs must also be consistent with other permitted signage to create a unified signage character for the entire Development.
- (G) Landmark Signs shall not exceed the following dimensional restrictions:
 - (1) The maximum height for a Landmark Sign is twenty-five (25) feet;

- (2) The base of the structure shall not exceed one hundred square feet; and
 - (3) The maximum profile area of the Landmark Sign shall not exceed one-hundred and fifty (150) square feet. Profile area is the area within the maximum height and width extent of the Sign as viewed horizontally from any side.
 - (H) Illumination of Landmark Signs must be internal to the Sign monument or lit from above in a downward fashion. No up-lighting of these Signs will be permitted.
- (Ord. #3141)*

4.6.15. Signs Exempt from These Regulations

The following Signs are exempt from regulation under this chapter except for those stated in sections 4.6.17(D) through 4.6.17(G).

- (A) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as Signs giving property identification names or numbers or names of occupants, including identification on mailboxes, and Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals. In the HCO district, such Signs shall not exceed two (2) Signs per zoning Lot nor two (2) square feet in area per display surface and shall not be taller than three (3) feet in height
- (B) Noncommercial Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including notice of community events, legal notices, identification and informational Signs and traffic, directional or regulatory Signs.
- (C) Noncommercial Signs erected by a regulated public utility.
- (D) Noncommercial flags, pennants or insignia no greater than fifteen (15) square feet each in Residential zones. The number of such

noncommercial flags, pennants or insignia shall be limited to three (3) per Premises.

- (E) Memorial Signs or tablets and names and construction dates of Buildings when cut into any masonry surface or mounted bronze Plaque.
- (F) Integral decorative or architectural features of Buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- (G) Signs directing and guiding traffic and parking on private property that do not exceed four (4) square feet each and that bear no advertising matter visible from public Right-of-Way.
- (H) Devices, depictions, letterings, or symbols painted on or otherwise affixed to currently licensed motor vehicles and not used in violation of this chapter.
- (I) School identification Signs that do not exceed one per abutting street and sixteen (16) square feet in area. The Development in which the school is located cannot exceed (1) one Sign per street frontage per section 4.6.9.

(Ord. #3141)

4.6.16. Certain Temporary Signs Not Requiring Permits

The following Temporary Signs are permitted without a zoning special use or Sign permit. However, such Signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter except those contained in sections 4.6.7 (Total Sign Area) and 4.6.9 (Number of Signs Allowed). Other Temporary Signs not listed above shall be regarded and treated in all respects as permanent Signs, except that (as provided for the Historic Overlay District) Temporary Signs shall not be included in calculating the total amount of permitted Sign area.

(Ord. # 1919)

- (A) Real estate on which the Sign is located (including Buildings) that is for sale, lease or rent, in addition to any other permissible signs may have one additional sign as defined below.
 - (1) Signs not exceeding six (6) square feet in area and shall be removed not more than seven (7) days after sale, lease or rental.
 - (2) For Lots of less than five (5) acres, a single Sign on each street frontage may be erected. For Lots of five (5) acres or more in area and having a street frontage in excess of four hundred (400) feet, a second Sign not exceeding six (6) square feet in area may be erected.
 - (3) Each Sign shall be located no closer than ten feet to the paved portion of a road (street) or ten (10) feet from the edge of the travel portion of a non-paved road (street).
 - (4) In the HCO districts such Signs may include up to sixteen (16) square feet per display surface for property zoned non-residential or located within an approved Planned Development.
- (B) Properties under construction may have one sign in addition to any other permissible signs. Not more than one such Sign may be erected per site and it shall not exceed four (4) square feet in area per display surface for Single-Family or Duplex construction or thirty-two (32) square feet in area for Multi-Family or non-residential construction. Such Signs shall not be erected prior to the issuance of a Building permit and shall be removed within ten (10) days after the issuance of a Certificate of Occupancy.
- (C) On commercial sites where a business is opening or closing, one Sign in addition to any other permissible signs is allowed provided such Sign does not exceed thirty-two square feet in area and is erected for a period not to exceed sixty (60) days.

- (D) Signs attached temporarily to the interior of a Building window or glass door, such Signs, individually or collectively, may not cover more than fifty percent of the surface area of the transparent portion of the window or door to which they are attached.
- (E) During the months of October, November, and December, displays, including lighting are allowed. Such displays shall be removed within ten (10) days following the end of December.
- (F) During the period beginning on the 30th day before the beginning date of early voting for a primary, general, or special election, an unlimited number of Temporary Signs may be placed on private property and on adjoining town right of way provided the Temporary Sign is placed with the adjoining private property owner's permission. The maximum allowable Sign area of each such Temporary Sign shall be six (6) square feet. No such Temporary Sign shall exceed 42 inches in height. Each Sign shall be located on private property but in no case shall such a Temporary Sign be allowed closer than ten-three (103) feet to the back of curb or to the paved portion of a road where no curb is present, or ten-three (103) feet from the edge of the travel portion of a non-paved road. Such Temporary Signs and may not be attached to a tree or other living plant material. Such Signs must be removed within ten (10) days following the election day for which the Signs are intended to serve. If the period of time between a primary and a general or special election for which the primary is serving is less than four (4) weeks, measured from the date of the primary voting day to the date of the general or special election voting day, the Signs shall be allowed to remain in place. Such Signs may be erected at officially designated polling places on the day of the election.
- (G) Properties on which a special event is to take place may have one banner or sign in addition to any other permissible sign(s). Such Signs may not exceed thirty-two (32) square feet and may be erected up to fourteen (14) days before the event and must be removed not later than three (3) days after the event.

- (H) Any residential property may have one (1) Sign not exceeding four (4) square feet in area per display surface per lot or parcel.
- (I) In the C.B. district, Signs placed by the occupant of the Premises within twelve (12) feet of the Premises if:
 - (1) The Sign does not interfere with vehicular or pedestrian traffic;
 - (2) The Sign's area is no greater than six square feet;
 - (3) The Sign is removed when the Premises are not open for business.

(Ord. #3141)

4.6.17. Miscellaneous Restrictions and Prohibitions

- (A) No Off-Premises Signs (except those exempted from regulation or from permit requirements under sections 4.6.13 and 4.6.14) may be located in any district. Off-Premises Signs are prohibited in all HCO Districts, except those which existed on March 1, 1995 in, the Town of Southern Pines that:
 - (1) Are located along federal aid primary highways for which Sign compensation is regulated by state and federal law; and
 - (2) Were erected and are permitted and maintained in compliance with state regulations.
- (B) All Signs, including the supports, frames and embellishments thereto, shall be located outside of any public Right-of-Way.
- (C) No Sign shall be attached, affixed or painted on any utility pole, light standard, telecommunications pole, any tree or other natural object.
- (D) No Sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- (E) Signs shall not include or have the appearance of animation or changeable information. Without limiting the foregoing, banners,

Commented [BG6]: During the November 2025 local election it was observed that the current language is difficult to comply with and to enforce. These changes now more closely mimic state regulation of political signs as found in G.S. 136-32.

1. Temporary signs prior to elections may now be located within town rights of way.
2. Those signs must be located three feet from the edge of pavement or back of curb in order to maintain a small separation to the road.
3. A limit is added to the maximum height because it's the small size of the signs that make them acceptable within three feet of the road. This height restriction prevents a creative one foot by six foot sign that gets attention but block visibility.
4. Also clarifies "Temporary Sign(s)" as opposed to just signs because there are two definitions in the UDO and this is specific to Temporary Signs prior to elections only.

streamers, animated display boards, pennants and propellers are prohibited. The restriction of this section shall not apply to exempt flags, pennants or insignia.

- (F) Freestanding Signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the Sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- (G) No Portable Signs except those meeting the requirements of Section Section 4.6.16 shall be allowed in any zoning district.
- (H) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed six (6) square feet in area and shall be located at least eight feet above the sidewalk.
- (I) The Sign area of a Sign permanently painted, affixed or placed in a Building window that is visible from a street Right-of-Way shall be restricted to no more than forty (40) percent of the total window area.
- (J) Awning Signs shall be located on the awning valance and shall not exceed twelve (12) square feet in area or cover more than twenty (20) percent of the awning area.
- (K) No Sign on a vehicle shall be located in any zoning district when the vehicle on which the Sign appears is placed so that the practical effect of the Sign on the vehicle is to advertise the entity or activity to which the Sign refers rather than to identify the vehicle, unless the vehicle is being used off-premises in the regular course of business or is being operated, loaded, or unloaded.
- (L) Nothing in this code shall be interpreted to allow for the use of Digital Signs, Dynamic Digital Signs, Electronic Message Centers, or apparatus as part of a permissible Sign. This provision is not intended to limit the use of LED bulbs to illuminate Signs.

(Ord. # 3141)

(M) **Traffic Safety Precautions.** Notwithstanding any other provision in this section, the following restrictions shall apply to Signs to preserve the safety of pedestrian, bicycle and vehicular movement:

- (1) No permanent Sign or part thereof shall be located within a Traffic Visibility Triangle as defined by the Town or N.C.D.O.T., nor within the public Right-of-Way.
- (2) No Sign shall make use of the words "STOP", "SLOW", "CAUTION", "DANGER" or any other word, phrase, symbol, light or character in such manner as is reasonably likely to be confused with traffic directional and regulatory Signs.
- (3) No Sign shall be erected so that by its location, color, nature or message is likely to be confused with or obstruct the view of traffic Signals or Signs or is likely to be confused with the warning lights of an emergency or public safety vehicle.
- (4) No Sign shall contain flashing lights.
- (5) No Sign shall be located within any public or private Right-of-Way except as specifically approved through the PD process.

(N) Signs in Residential Districts

- (1) Lighting of Signs in Residential and Planned Development districts is permitted with only direct illumination. All fixtures must be concealed and spillover of light must be minimal.
- (2) No Sign shall be erected or displayed in any Residential or Planned Development district except as exempted by section 4.6.15, or specifically allowed by this Sign Code.

4.6.18. Sign Removal

Any Temporary Sign erected in violation of the provisions of this chapter may be removed immediately by the administrator. Any Sign so removed shall be retained at a designated municipal facility until recovered by the

Sign owner following payment to the Town of a \$5.00 fee per Sign. Any Sign not recovered within ten (10) days will be destroyed.

4.6.19. Discontinued Signs

Upon the discontinuance of business occupancy of an establishment for a consecutive period of ninety (90) days, the administrator shall require the removal of the on-premises Sign(s) advertising or identifying the establishment. The administrator shall give thirty (30) days notice to the property owner to remove the Sign(s), including all of its attendant supports, frames and hardware unless such Sign is proposed to be used by a new establishment on the Premises in conformance with all current regulations of this section 4.6. Failure to remove the Sign(s) within the thirty (30) day period shall constitute a violation of this UDO.

4.6.20. Non-Conforming Signs

A non-conforming Sign is a Sign that was lawfully erected but which no longer complies with the Sign regulations of this UDO.

- (A) In order to comply with G.S. 160D-912.1, a lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising sign shall commence within two years after the date of removal. The Town shall have the burden to prove that the on-premises advertising sign was not lawfully erected.
- (B) Expansion and enlargement. A non-conforming Sign shall not be enlarged or expanded.
- (C) Moving. A non-conforming off-premises Sign shall not be moved in whole or in part to any other location unless the move results in the entire Sign being brought into compliance with all applicable regulations of this UDO.

- (D) Loss of Non-Conforming Status. If an off-premises Sign is destroyed by any means, by more than fifty (50) percent of the replacement cost of the Sign, it shall not be reestablished except in compliance with all applicable regulations.
- (E) Repairs. Repairs to damage to a non-conforming Sign shall be completed within three (3) months of the time of such damage.

(Ord. #3141)

4.6.21. Signs Within the Historic District Overlay

- (A) Signs in the Historic District shall obtain a Certificate of Appropriateness prior to any installation, with the exception of certain Temporary Signs not requiring a permit.
- (B) Signs in the Historic District are restricted to Monument Signs, Wall Signs, Projecting Signs, Canopy Signs, Awning Signs and certain Temporary Signs as set forth in UDO Section 4.6.16.
- (C) One (1) Monument Sign per Parcel is permitted. However, the Monument Sign shall be located on private property and subject to the following:
 - (1) When multiple tenants share a structure located on a single Parcel, only one (1) Monument Sign is permitted.
 - (2) The maximum Sign area for the Monument Sign is ten (10) square feet.
 - (3) The maximum height of the Monument Sign is four (4) feet; and
 - (4) The Monument Sign is not located within any site distance triangle and does not interfere with any vehicular or pedestrian way.
- (D) One (1) Wall Sign per separate business establishment is permitted. A second Wall Sign may be established if the business establishment has frontage on more than one street or if the business establishment's

parking is not located between the establishment and the street. Wall Signs shall not exceed six (6) square feet in area.

- (E) One (1) Projecting Sign per separate business establishment is permitted. Projecting Signs may exceed the twelve (12) inch limit for Signs attached to a wall. Projecting Signs are not to exceed four (4) square feet in Sign area. The bottom edge of such Projecting Signs must be located at least seven (7) feet above the sidewalk.
- (F) Canopy Signs are permitted when suspended or attached to the underside of a canopy provided such Signs do not exceed four (4) square feet in area and shall be located at least seven (7) feet above the sidewalk.
- (G) Awning Signs are permitted to be located on the awning valance and shall not exceed six (6) square feet in area or cover more than twenty (20) percent of the awning area.
- (H) The Sign area of a Sign permanently painted, affixed or placed in a Building window that is visible from a street Right-of-Way or pedestrian way shall be restricted to no more than forty (40) percent of the total window area.

(Ord. #1775)

4.7. FENCES AND WALLS

All fences and walls shall comply with the requirements of this section unless specifically approved as part of a Planned Development, Architectural Compliance Permit, Conditional Zoning or Special Use Permit, Variance or Certificate of Appropriateness.

(Ord. #2052)

- (A) Except as otherwise provided in this section, fences that are no taller than six (6) feet may be built along interior side and rear property lines.

- (B) Exterior Side Yard fences that are no taller than six (6) feet shall be at least two feet from the Right-of-Way and no closer than two (2) feet from the inside edge of the sidewalk.
- (C) Fences in Front Yards are discouraged, but must be:
 - (1) Located least two (2) feet from the Right-of-Way and no closer than two (2) feet from the inside edge of the sidewalk;
 - (2) Less than sixty (60) percent opaque;
 - (3) Be designed as picket or wrought-iron style fences (chain link and chicken wire are prohibited); and
 - (4) Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

(Ord. #1714)

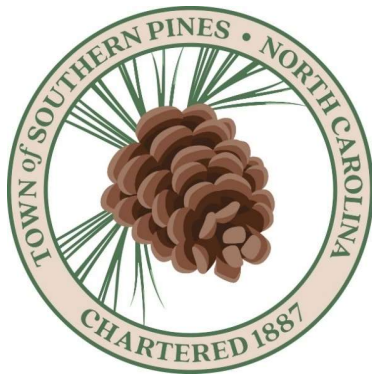
- (D) Perimeter chain link fences that are installed in any Institutional, Commercial or Residential Development must locate the fence no closer to the property line than the middle of the Setback or buffer. Existing vegetation cannot be removed in the Setback/buffer. If berms are located in the buffer or Setback then the fence must be behind the berm, inside the Development. The fence cannot be taller than (6) six feet from ground level and must be of a non-reflective color such as brown, black or dark green.
- (E) Fences shall be considered to be structures that are subject to the zoning district Setback requirements if they are located in a Yard adjacent to a street Right-of-Way, exceed (6) six feet in height and are substantially opaque.
- (F) No fence shall obstruct any traffic safety visibility zone.
- (G) Barbed wire, razor wire or other fence materials designed to cut or puncture are prohibited in all districts, except in the I and GB districts. In the HCO districts, such fences shall be limited to side and rear property lines that are screened from the highway corridor and abutting residential properties.

Showing OA-01-26 Proposed Amds.

Town of Southern Pines, North Carolina

Unified Development Ordinance

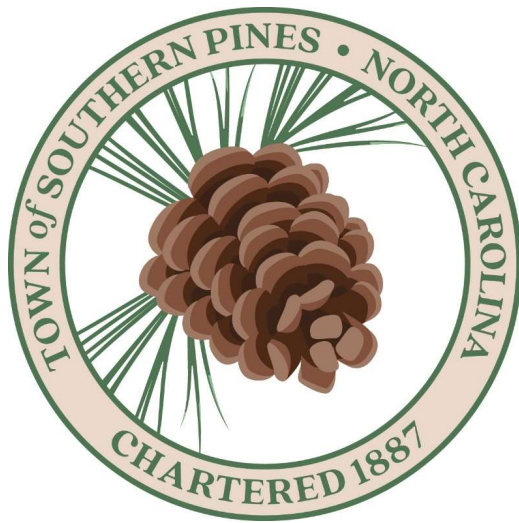
Appendices



Updated

December 9, 2025

APPENDIX B: ENGINEERING AND CONSTRUCTION STANDARDS MANUAL



**Engineering and Construction
Standards Manual
December 9, 2025**

CHAPTER 2: STREETS

1. GENERAL NOTES

- A. All work and materials shall conform to the latest edition of the NCDOT Standard Specifications for Roads and Structures unless otherwise specified in this manual.
- B. Depending on the proposed construction activities, a bond may be required for possible damages to Town streets and, shall be in an amount established by the Town.
- C. The contractor shall maintain two-way traffic at all times when working within existing streets in accordance with the latest edition Manual for Uniform Traffic Control Devices (MUTCD) and NCDOT.
- D. Street cuts and sidewalks should be completely repaired in an expedient manner. Unless otherwise noted in construction documents, cuts must be filled per Standard Details, with flowable fill or suitable material to within 1.5" of finished grade within 3 days of initial work. Finished roadway surfaces, sidewalks and curbs must be restored within 15 days of initial work.
- E. Trench Backfill Requirements:
 - 1. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Materials deemed by the Inspector as unsuitable for backfill purposes shall be removed and replaced with select backfill material.
 - 2. All trenches in the street right-of-way shall be backfilled immediately after the pipe is laid. No more trench shall be opened in advance of pipe laying than is necessary to expedite the work. One block or 200' (whichever is less) shall be the maximum length of open trench on any line under construction.
 - 3. All trench backfill shall be compacted to 8" below the finished surface to a 100% density in accordance with AASHTO T 99 as modified by NCDOT. All trench backfill greater than 8" below the finished surface shall be compacted to 95% density in accordance with AASHTO T 99 as modified by NCDOT.
 - 4. All trench backfill shall be compacted in maximum 6" lifts.
- F. All subgrade shall be compacted to a depth of 8" below the finished surface to a 100% density in accordance with AASHTO T 99 as modified by NCDOT. All embankment shall be compacted to 95% density in accordance with AASHTO T 99 as modified by NCDOT for depths greater than 8".
- G. All trench backfill, subgrade, embankment fill, and ABC shall require density tests be performed at a frequency as follows. Test reports shall be conveyed to the Town on a weekly basis.

Road subgrade	1 test group for every 500 <u>1,000</u> feet of road
Parking subgrade	1 test group for every 103,000 square feet/yards
<u>Aggregate Base Course</u>	<u>Same as subgrade</u>
Trenches	1 test group for every 500 <u>2,000</u> feet of trench or every road crossing
Embankment Fill	1 test group for every 105,000 square feet/cubic yards or fraction thereof.

*A test group shall consist of 1 test for every ~~2'~~ of fill in the test location/other lift
- H. All manholes, junction boxes, water valve boxes and other appurtenances shall be covered at subgrade level with a steel plate until the first lift of surface course asphalt is placed. At that time, the utility may be raised to the finished grade.
- I. A tolerance for grading the subgrade shall be +/- 1/2" from the established grade will be permitted after the subgrade has been graded to a uniform surface. A tolerance of +/- 1/4" will be permitted under concrete pavement mainline lanes. Perform the grading operation such that the maximum difference

Commented [JM1]: Revisions match NCDOT testing standards.

between the established grade and the graded subgrade within any 100' section is ½" for normal subgrade and ¼" for subgrade for concrete pavement.

- J. A proof roll witnessed by an accredited testing firm and the Town Inspector shall be required prior to placing curb and gutter, ABC, and asphalt. A report of the proof roll shall be provided to the Town Engineer. Equipment to be used for the proof rolls shall be a loaded tandem dump truck. Proof rolls shall not occur more than 10 days prior to the placement of the associated work.
1. Proof rolls will not be performed on frozen subgrades and inclement weather will void any proof roll if the associated work has not been completed.
 2. A motor grader may be used in some circumstances for a proof roll on curb and gutter only. Prior approval by the Town Engineer is required for use of a motor grader.
 3. Weight requirements for equipment:

Motor Grader	30,000 lbs
Tandem Truck	45,000 lbs
- K. Upon completion of the subgrade proof rolling, a report from an accredited testing laboratory shall be provided to the Town Engineer. The report shall present the results of a Proctor analysis demonstrating that the subgrade compaction is acceptable in accordance with standard requirements of NCDOT in all the significant fill areas. The testing firm shall also inspect the subgrade to verify conformance with the pavement design report and provide a report of the findings to the Town Engineer. Upon acceptance and approval, the stone base course may be placed. However, no stone base may be placed prior to backfilling behind the curb. The stone base course materials should be placed and compacted to grade. Compaction and thickness testing shall be performed at a rate of 1 set of tests/ ~~500-1,000~~ linear feet with a minimum of three tests. Once the thickness and density of the ABC stone has been verified, and prior to the placement of concrete or asphalt, another proof roll of the ABC stone shall be performed under the supervision of the accredited testing laboratory and the Town Engineer. Once a passing proof roll is achieved, concrete and/or asphalt should be placed as soon as possible. In the event that inclement weather occurs after the ABC stone proof roll and before the placement of concrete or asphalt, or if a period of greater than 10 days lapses before paving, another proof roll of the ABC stone will be required. The contractor shall bear the cost of laboratory testing and inspections.
- L. Concrete or asphalt shall not be placed in inclement weather. The contractor shall protect freshly placed concrete or asphalt in accordance with Section 420 (Concrete Structures), Division 6 (Asphalt Pavements), and Division 7 (Concrete Pavements and Shoulders) of NCDOT Standard Specifications. Prior to any concrete being placed, a pre-pour meeting shall be required. Schedule the pre-pour meeting with the inspector.
- M. All concrete used for streets, curb and gutter, sidewalks and drainage structures, etc. shall be approved NCDOT mixes, unless otherwise directed by the Town Engineer or project special provisions. Concrete testing shall follow requirements and frequency set forth by NCDOT and ACI.
- N. The concrete temperature at the time of placement shall be between 50°F and 95°F except where other temperatures are required by NCDOT Specifications, Section 420. Do not place concrete without permission when the air temperature measured at the location of the concrete operation in the shade away from artificial heat is below 35°F. When such permission is granted, uniformly heat the aggregates and/or water to a temperature not higher than 150°F. Heated concrete shall be between 55°F and 80°F at the time of placement.
- O. All excess concrete on the front edge (lip) of gutter shall be removed when curb and gutter is poured with a machine.
- P. Straight forms shall not be used for forming curb and gutter in curves.

Commented [JM2]: Revisions match NCDOT testing standards.

- Q. Contraction joints, expansion joints and joint sealer shall follow NCDOT Specifications and Town Standard Details.
- R. All concrete shall be cured with curing compound. Use white pigmented curing compound which meets ASTM C 309, as required by NCDOT Section 825 and Section 1026, applied at a uniform rate per manufacturer's instructions. Apply the membrane curing compound after the surface finishing is complete and immediately after the free surface moisture disappears, but at no point, more than 24 hours of after placement of the concrete.
- S. All curb and gutter shall be backfilled with soil approved by the Town Engineer within 7 days after construction, but not before 3 curing days has elapsed. Do not place ABC or pavement adjacent to the curb before the 3 curing days has elapsed.
- T. Prior to any asphalt being placed, a pavement coordination meeting shall be required. Schedule the pavement coordination meeting with the Town Inspector. All testing reports shall be provided to the Town Engineer prior to scheduling the pavement ~~coordinateion~~ coordination meeting.
- U. Asphalt shall not be placed unless the minimum temperatures are met in NCDOT Specifications, Section 610. Do not place plant mix base course that will not be covered with surface or intermediate course during the same calendar year or within 15 days of placement if the plant mix is placed in January or February. The asphalt supplier and/or paving contractor shall perform all required field and laboratory testing in accordance with the current NCDOT standards during the production and installation of the paving materials. The results of the field and laboratory testing data will be provided to the Town Engineer for review and for final approval of the paving materials.
- V. When delaying the installation of the final lift of asphalt, drainage shall be maintained on the streets between the first lift of ~~S9.5A-5B~~ and the second lift of ~~S9.5A-5B~~ when the street is accepted. Use Southern Pines Standard Details to accommodate drainage in low areas.
- W. Surfaces shall be tacked when asphalt is being placed over existing asphalt streets or adjoining concrete, storm drain and sanitary sewer structures. In the event more than 1 lift of asphalt is placed in a single day, tack is still required between lifts.
- X. All asphalt cuts shall be made with a saw when preparing street surfaces for patching or widening strips. Milling is an acceptable alternative to saw cuts when applicable.
- Y. Paper joints shall be used to seal the ends of an asphalt pour so that future extensions can be made without causing rough joints.
- Z. When placing asphalt against existing surfaces, a straight edge shall be used to provide a smooth and consistent transition between the two surfaces at that location.
- AA. Dead-end streets without cul-de-sacs shall be required to install object signs designating the dead-end.
- BB. Fire apparatus access road shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 lbs in any weather condition, including during development construction. ~~Furthermore,~~ ~~the access road minimum unobstructed width shall be 20', exclusive of shoulders, with a 13'-6"~~ unobstructed vertical height (IFC Section 503.2.1) and shall not exceed a 10% grade. In the event a fire hydrant is located on the access road, the minimum width of the road shall be 26', exclusive of shoulders (IFC Appendix D). Grades steeper than 10% as approved by the fire chief. See Appendix A for dead-end access road turnarounds.
- CC. During phasing of residential developments temporary turnarounds are required for fire apparatus access. The temporary turnaround is required for streets 150' + from the intersecting street without a designed cul-de-sac.

Commented [JM3]: Typo correction.

Commented [JM4]: S9.5A asphalt is no longer readily available, so changed to S9.5B.

Commented [JM5]: Simplifying change.

- DD. All permanent striping shall conform to NCDOT Specifications, and MUTCD standards and specifications. Temporary striping may be paint and conform to NCDOT specifications for the duration of time in which the striping can be installed prior to installing the permanent striping.
- EE. Traffic Calming Devices shall be prohibited unless approved by the fire code official (2018 NC Fire Code 5.3.4.1).

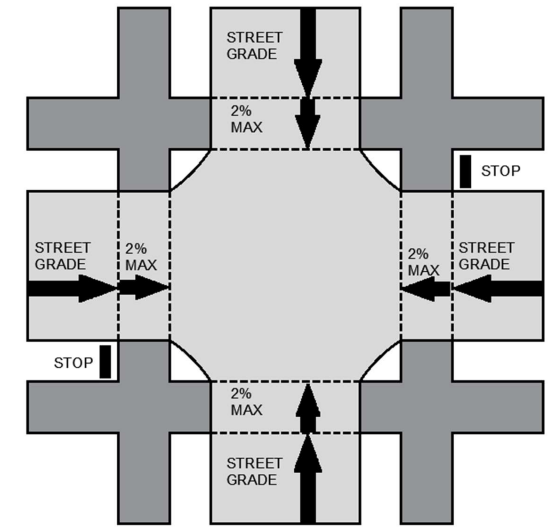
2. STANDARDS OF STREET DESIGN

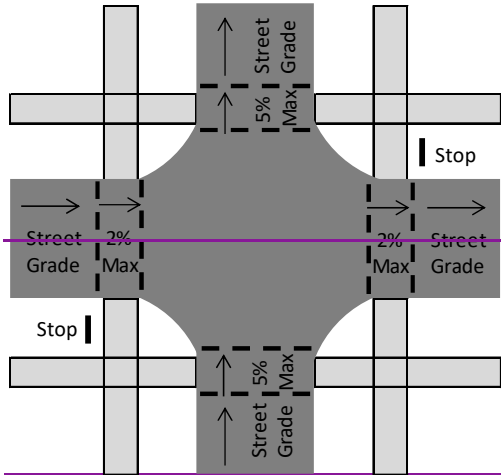
- A. **Streets** (Public and Private): Refer to Appendix A for Street Classifications.
- B. **Intersections:**

- 1. Maximum Street Grade at Intersections (See Diagram 2-1):
 - a. STOP or YIELD Condition: Vertical alignment is 2% maximum through the crosswalk areas (marked or unmarked). Outside of the crosswalk areas, the vertical alignment is 5% maximum within 100' of an intersection.
 - b. THROUGH MOVEMENT Condition: Vertical alignment is 5% maximum through the crosswalk areas. Where feasible, it is recommended that the vertical alignment for a through movement street also be set at 2% maximum through the crosswalk areas (marked or unmarked).
 - c. Insofar as practical, streets shall intersect at an angle of 90° for a minimum of 50' from the roadway intersection. In no case shall the angle be less than 75°. Intersections having more than 4 corners shall be prohibited. Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other.

Commented [JM6]: Americans with Disability Act (ADA) maximum is 2%.

DIAGRAM 2-1: INTERSECTION GRADES





C. Intersection Sight Distance:

1. Minimum sight triangles will be provided at each intersection corner. Sight distance shall be measured a minimum of 15-feet from the edge of the travel lane or 10-feet from the back of curb, whichever is greater.
2. Sight triangles shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than 2' above the property line grade as established by the Town Engineer. The following are exempted from this provision:
 - a. Existing public utility poles.
 - b. Existing trees trimmed (to the trunk) to a height at least 9' above the level of the intersection.
 - c. Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
 - d. A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
 - e. Official warning signs or signals.

Commented [JM7]: Change proposed to simplify measurement of sight distances.

- D. **Stopping Sight Distance:** Intersections designs shall account for stopping sight distances in accordance with Tables 2-1 and 2-2.

TABLE 2-1: STOPPING SIGHT DISTANCE

Vehicle Speed (mph)	MINIMUM STOPPING SIGHT DISTANCE (ft)						
	UPGRADES			FLAT	DOWNGRADES		
	9 %	6 %	3 %	0 %	-3 %	-6 %	-9 %
25	140	145	150	155	160	165	175
30	180	185	200	200	205	215	230
35	225	230	240	250	260	275	290
40	270	280	290	305	315	335	355
45	320	330	345	360	380	400	430
50	375	390	405	425	450	475	510

TABLE 2-2: DESIGN INTERSECTION SIGHT DISTANCE, LEFT TURN FROM STOP

Design Speed (mph)	Stopping Sight Distance (ft)	Intersection Sight Distance for Passenger Cars	
		Calculated (ft)	Design (ft)
15	80	165.4	170
20	110	220.5	225
25	155	275.6	280
30	200	330.8	335
35	250	385.9	390
40	305	441.0	445
45	360	496.1	500
50	425	551.3	555

E. Cul-de-sac Streets:

1. Shall not exceed a more than 500 feet of length from the connection to the intersecting street to the furthest paved point. Temporary cul-de-sacs on stub streets shall not exceed one-thousand (1,000) feet unless no other practicable alternative is available.
 - a. The preliminary and final site plan shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated on a recorded subdivision or site plan (provided reasonable connection can be achieved without the need for a bridge or other feature to negate substantial topography). The stub shall be improved as pedestrian walkway, trail, or bikeway.
 - b. The radius for the circular terminus, or turnaround, shall be not less than 43’.

F. A Traffic Impact Analysis (TIA) and Traffic Design Analysis (TDA): Are required per section 4.11 Transportation/Traffic Analyses of the UDO.

~~G. **Pavement Design:** The pavement designs presented in Table A-1 shall be considered the minimum design requirements. A pavement design report produced and certified by a professional engineer, using AASHTO methodology shall be provided to the Town Engineer during the Engineering Plan review. The report shall be based on field and lab testing of in-place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 25-year design life, 4% annual growth rate, and appropriate traffic projections with truck factor. The traffic projections shall account for offsite areas that the road will, or is planned to connect to, based on the current zoning or land use. If the design structural coefficient exceeds that of the standard, the design structure shall be used.~~

- ~~1. All public roads and private roads classified as collectors or higher shall follow the NCDOT’s Pavement Design Procedure. The design engineer shall provide a design report verifying compliance with the design procedure manual.~~
- ~~1.2. Private residential local roads shall follow NCDOT’s Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying the roadway classification, subgrade soil type, and documentation of the minimum pavement design to be used for the project.~~

G.H. Driveways

1. Refer to Southern Pines Standard Details for driveway layout and separation requirements.
2. Driveway Permits and inspections are required per UDO.

Commented [JM8]: Changes are being proposed due to changes in NCGS from Session Law 2025-94 limiting pavement design standards to NCDOT minimums.

H.I. Design Vehicles

1. Site designs and/or street designs shall evaluate the minimum turning radius for the vehicular traffic intended for use to support the proposed improvement. The evaluation of the vehicular turning radius shall include, but not be limited to, parcel delivery trucks, garbage trucks, semi-truck and trailers and current Southern Pines Fire Department fire apparatus vehicles. See Appendix A for appropriate design vehicles.
2. Regardless of the street classification or design vehicle, radii may need to be adjusted to meet the requirements of the proposed usage and vehicle. The Town Engineer may request the additional requirements based on the proposed usage warrants.

J. Roadway Geometric Design

1. All commercial collector and higher roads shall be designed in accordance with the NCDOT's Roadway Design Manual. The design engineer shall provide a design report verifying compliance with the standards.
2. All residential roads shall be designed in accordance with NCDOT's Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying compliance with the standards.
3. In no case shall a road exceed a maximum of a 10% grade.
4. Roads built without curb and gutter shall not exceed a 5% grade.
5. Cul-de-sac radius shall be in accordance with the Town's standard details.

Commented [JM9]: Changes are proposed to capture certain design elements previously covered under Table 2-3 which has now been deleted.

TABLE 2-3: STANDARDS OF STREET DESIGN

Street Type	Alley	Local	Collector	Arterial
Average Daily Traffic (ADT)	100	200	more than 800	
		Sub-Collector 800		
Longitudinal Grade ⁽⁴⁾ — Min	1%	1%	1%	See NCDOT Roadway Design Standards
Max: level/rolling	10%	10%	8%	
hilly	10%	10%	10%	
(stop/yield) at intersection	5%	2%	2%	
(thru movement) at intersection	5%	5%	5%	
Within 100' of an intersection	5%	5%	5%	
Minimum vertical curvature, K (L/A) — crest	12	20	30 (residential) 44 (non-residential)	See NCDOT Roadway Design Standards
sag	26	30	50 (residential) 64 (non-residential)	
Min Horizontal Centerline Curve Radius		150'	230'	
Crown/Cross Slope	2%	2%	2%	
Min Tangent between Reverse Curves		50'	100'	
Street Intersection Radius ⁽²⁾	20'	30'	30'	
Design Speed — Min	15 mph	25 mph ⁽³⁾	40 mph	
Max	15 mph	40 mph	40 mph	
Design Vehicle	SU-30	SU-30	SU-30	WB-62
Residential			SU-30	
Non-Residential			WB-62 or WB-40	
Driveway and Intersection Dimensions	See details for typical dimensions and separations			
Pavement Schedule ⁽¹⁾				
surface course (S9.5A)	2"	1.5"	2"	See NCDOT Roadway Design Standards
intermediate course (I19.0C)	0"	1.5"	3"	
base course	8" ABC or 4" B25.0C			
Dead-End Fire Apparatus Access Roads				
Length	0-150'	150'-500'	500'-750'	750'+
Width	20'	20'	20'	Special Approval Required
Vertical clearance	13.5'	13.5'	13.5'	
Maximum grade	10%	10%	10%	
Turnaround required	None	86' ϕ Cul-De-Sac 120' Hammerhead (Temporary)		

Notes:

1. Prior to substituting B25.0C, approval shall be obtained from the Town Engineer.
2. Radius measured from edge of pavement.
3. Design speeds are 5 MPH over the speed limit. Town wide speed limit is 35MPH unless otherwise posted. Design speeds less than 40 MPH must be approved by Council.
- 4.1. Maximum grade on roads without curb and gutter shall be 5%.

Commented [JM10]: Pavement design standards are now limited by Session Law 2025-94. Other items in this table already match NCDOT standards, so the table is being deleted and section J. above now references the applicable NCDOT standards.

3. GRADING

- A. The maximum slope for cuts and fill embankments is 3:1. Fill embankment materials shall be placed and thoroughly compacted in successive layers $\leq 10''$ in depth for the full width of the cross-section, including the width of the slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankment.
- B. Longitudinal grades shall have a minimum grade of 1% and a maximum grade of 10%. Grades shall not exceed 5% on roads without curb and gutter.
- C. Transverse grade or crown shall be 2% with +/- 0.5% tolerance unless otherwise approved by the Town Engineer.

4. ROADWAY BASE

- A. Stone base course shall conform in all respects to Section 520 (Aggregate Base Course), Section 1006 (Aggregate Quality Control/Quality Assurance), Section 1010 (Aggregate for Non-Asphalt Type Bases) of the NCDOT Standard Specifications for Roads and Structures.
- B. The stone base shall be compacted to 100% in accordance with AASHTOT180 as modified by NCDOT when conventional density test #3 is used. When nuclear density testing is performed, a nuclear target density of at least 98% shall be obtained. In addition, the nuclear density of any single test location shall be at least 95% of the nuclear target density.
- C. ABC will not be allowed within widening strips less than 5' in width.
- D. Prior to the placement of base material, all subgrade, **trench, and embankment** testing shall be completed and provided to the Town.

Commented [JM11]: This is clarifying when testing needs to occur.

5. ROADWAY INTERMEDIATE AND SURFACE COURSE

- A. Plant mixed asphalt shall conform in all respects to Section 610 (Asphalt Concrete Plant Mix Pavements) of the NCDOT Specifications for Roads and Structures.
- B. A pavement coordination meeting shall be required prior to placing any asphalt. All testing reports shall be provided to the Town prior to scheduling of the meeting.
- C. An approved NCDOT Job Mix Formula shall be required to be submitted prior to paving.
- D. The contractor shall have a third party QMS Roadway Technician on-site during the paving operation. A report of the Technician's inspections and testing shall be provided to the Town.
- E. The contractor may elect to leave the final lift of asphalt surface course, for residential subdivision streets, withheld until the portion platted is occupied (occupied means a certificate of occupancy has been issued) and no conflicts exist between the water and sewer services and the proposed driveways. A subdivision improvement agreement will be required for the final lift of asphalt.
- F. Roadway Final Lift Inspection Procedures:
 - 1. Contractor puts down intermediate course and/or first lift of surface course and raises structures to final grade (including concrete collars 1" to 1.5" below final grade). Asphalt is to be placed around structures to prevent damage.
 - 2. Contractor submits Record Drawings to the Town Engineer.
 - 3. Upon approval by the Town Engineer, Contractor may request final inspection for water and/or sanitary sewer. Owner, along with the Town Inspector, shall then verify the water services and/or sanitary sewer laterals are not in conflict with driveways and/or other proposed infrastructure.
 - 4. The final asphalt must be placed before 2 years have lapsed since the approval of the intermediate asphalt layer. The Town must approve surety to cover the 2-yr period.

5. After placement of the final asphalt, the Contractor may request final inspection for the roadway, and upon approval, the 1-yr warranty of the roadway begins.
- G. In the event construction traffic must be routed on newly paved streets, a bond shall be provided to the Town until construction activities are completed.
- H. Prior to placing the final layer of surface course asphalt, the Town inspector shall be given a 48 hr notification to inspect the roadway for deficiencies. All deficiency repairs are to be completed prior to application of final layer.
- I. Cores or nuclear density may be used on base, intermediate and first lift of surface course mixes. Cores will not be permitted on the final lift of surface course. Only nuclear density testing shall be used on the final lift of surface course.
- J. Access must be maintained during the paving operation. Residents, emergency vehicles, solid waste collection and mail delivery will need to be addressed during the pavement coordination meeting.

6. SIDEWALKS AND RAMPS

- A. Where sidewalks and pedestrian routes within street crossings (including marked and unmarked crosswalks) are provided, they must be constructed so they are accessible to all potential users, including those with disabilities and conform to the Americans with Disability Act.
- B. Sidewalks shall be constructed of not less than NCDOT, Class B concrete, and shall be 4" thick, constructed on an adequately graded base, except where a sidewalk crosses a driveway it shall be 6" thick. Subgrade shall be compacted to 95% of the maximum density obtainable in accordance with AASHTO T 99 as modified by NCDOT. The surface of the sidewalk shall be steel trowel and light broom finished and cured with an acceptable curing compound. Tooled joints shall be provided at intervals of not less than 5', and ½" expansion joints at intervals of not more than 50'. ½" expansion joints will be required where the sidewalk joins any rigid structure. The sidewalk shall have a maximum lateral slope of 2% toward the street.
- C. All expansion joints shall be filled with joint sealer.
- D. Planting strip adjacent to sidewalk shall be graded to ¼"/ft, except where excessive natural grades make this requirement impractical. In such cases, the Town Engineer may authorize a suitable grade.
- E. Sidewalk widths shall be a minimum of 5' unless otherwise specified.
- F. Approval of sidewalk construction plans must be obtained as part of the plan review process. Except in unusual circumstances, the sidewalk must be located a minimum of 6' from the back of the curb or at the back of the right-of-way. A recorded public sidewalk easement is required for all sidewalk located outside public right-of-way; the width shall be equal to the distance from the right-of-way line to the back of the sidewalk plus two feet or to the face of building, whichever is less. The sidewalk easement must be recorded with the Moore County Register of Deeds prior to issuance of a certificate of occupancy for the corresponding building(s).
- G. Running slope of directional ramps shall be from 7.5% to 8.33% maximum. Ramp length is not required to exceed 15' regardless of the resulting slope, which shall be uniform for the length of the ramp. Curb ramps are required where sidewalks intersect curbing at any street intersection and at Type III driveway connections.
- H. Truncated domes shall be Federal Standard Color Code number 20109, "Red Brown."
- I. Refer to the MUTCD (latest edition) for construction zone pedestrian routes and signalization and controls for actuators. Curb ramps shall be designed and constructed in accordance with the Americans with Disability Act.

- J. Where pedestrian routes are contained within a street or right-of-way, the grade of pedestrian access routes shall not exceed the general grade established for the adjacent street or highway.

7. DRIVEWAYS

- A. All driveway entrances and other openings onto town-maintained streets shall, at a minimum, conform to the requirements set forth in this section. Driveway entrances to state-maintained streets shall also conform to the standards contained herein as well as those of the North Carolina Department of Transportation. In the event of a conflict between the two sets of standards, the most restrictive standard shall apply.
- B. A Driveway Permit from the Town of Southern Pines is required prior to making connection to a Town street. Refer to the Land Development details for driveway layout requirements.
- C. The Town requires inspections of the street connections. Provide a minimum notice of 48 hours to schedule the inspection.
- D. Depending on the type of connection to streets or roadways, additional right of way, dedicated to the Town, may be required for improvements to the existing roadway. The cost of the right of way acquisition and street improvements is the responsibility of the Developer.
- E. Medians or islands may be permitted for street type driveways and private street entrances only, upon approval of the Town Engineer and subject to the following conditions:
 - 1. The raised median or island shall be constructed on private property to the rear of the right-of-way line.
 - 2. The minimum width of the median or island as measured nearest the right-of-way line (excluding the nose) shall be 15', the minimum length shall be 50'.
 - 3. For street type driveways with a median or island, the combined width of pavement of the separated driveway segments shall not exceed 48'.
- F. The standards for driveway spacing delineated in this section are intended as general guidelines for driveways with low and moderate traffic volumes. Spacing for high volume driveways (such as shopping centers, major apartment complexes, etc.) shall be determined by the Town Engineer based upon actual traffic conditions and needs.
- G. The number of permissible driveways on an individual property shall be determined as follows in Table 2-4:

TABLE 2-4: MAXIMUM NUMBER OF DRIVEWAYS BY STREET

Maximum Number of Driveways by Street		
Frontage	Arterial	All Other
<50'	1	1
51'-150'	1	2
151'-500'	2	3
>500'	3	4

See UDO Section 3.6.5 for additional limitations on the number of driveways for property located within highway corridor overlay district.

H. Applicants for driveways may be required to dedicate right-of-way for and construct or reimburse the cost of constructing medians, acceleration and deceleration lanes and traffic storage lanes to connect a driveway to a street. The need for these improvements will be determined by the Town Engineer and in cases involving driveway connections onto state-maintained roads, the consent of the North Carolina Department of Transportation must also be obtained. The need for the improvements must be reasonably attributable to the traffic utilizing the driveway and the improvements must be designed to serve the driveway traffic.

8. PARKING

- A. Off-street parking spaces shall be provided in accordance with the requirements in Chapter 4.5 Off Street Parking and Loading of the Southern Pines UDO. The Planning Department reviews and approves the parking requirements and the Planning Director shall be authorized to approve any alternate parking plans for developments.
- B. ~~A pavement design report produced and certified by a professional engineer, using AASHTO methodology shall be provided to the Town Engineer during the Engineering Plan review. The report shall be based on field and lab testing of in place subgrade materials by a qualified geotechnical firm and shall incorporate the following criteria: 25-year design life, 4% annual growth rate, and appropriate traffic projections with truck factor. The traffic projections shall account for offsite areas that the parking lot will connect to or is planned to connect to, based on the current zoning or land use. The minimum structure shall be the equivalent to an Alley in Table A-1. A parking lot pavement design shall follow the procedure found in NCDOT's Subdivision Road Minimum Construction Standards. The design engineer shall provide a design report verifying the appropriate comparable classification, subgrade soil type, and documentation of the minimum pavement design to be used for the project.~~
- C. Concrete parking areas shall be designed and constructed the same as pavement except that the concrete surface shall be a minimum of six (6) inches in thickness.
- D. When justified, the Town Engineer may allow other paving materials to be used so long as a design report is produced and certified by a professional engineer that an equivalent level of stability is achieved.
- E. When parking areas are not required to be paved with asphalt, concrete, or other paving material in accordance with Chapter 4.5 Off Street Parking and Loading of the UDO, the parking areas shall be designed and constructed the same as pavement with a minimum depth of six (6) inches of base stone and two (2) inches of surface stone.

Commented [JM12]: Changes are being proposed due to changes in NCGS from Session Law 2024-133 limiting pavement design standards for parking areas to NCDOT minimums.

9. NCDOT COORDINATION

- A. Any connection or potential impact to a NCDOT roadway shall require approval by NCDOT. It is recommended coordination meetings take place early in the development process with the

developer, NCDOT and Town of Southern Pines discussing potential requirements for roadway improvements, access to the site and right of way dedications. NCDOT has the ultimate authority for any work in NCDOT right of way.

- B. It is the sole responsibility of the requesting party to determine if a street is State maintained or not.
- C. Plan submittals, review and approvals should be coordinated concurrently with both, NCDOT and the Town of Southern Pines, to avoid conflicting requirements. The coordination should account for the review process of the two agencies may not coincide and communication of submittals from the requesting party is essential in avoiding delays. In situations where an agency's regulation differs from that of the other agency, the more restrictive of the two shall govern.
- D. NCDOT and the Town of Southern Pines require approvals for connections to existing roadways. The Town of Southern Pines will approve any connections to Town streets. Prior to obtaining Site Plan approval or Town driveway permit, the requesting party shall provide the Town of Southern Pines an approved driveway permit from NCDOT allowing access to the site from a NCDOT street.
- E. During construction of the project, both NCDOT and the Town of Southern Pines have enforcement authority to ensure safety in the right of way is not being compromised. Both agencies have the ability to affect the project's progress if there is reason to believe proper construction practices are not being adhered to and/or if unsuitable materials are being used in the right of way. Failure to comply with permits and the approved plans may result in revocation of permits.

10. BRIDGES

- A. The use of a bridge for a publicly maintained project shall require prior approval by the Town Engineer.
- B. The layout and design of bridges shall follow the current applicable NCDOT policies and manuals and shall be designed under the responsible charge of a registered design professional.
- C. The bridge shall be designed to include support for lighting, public water lines and other public utilities. Private utility lines are not allowed to be attached to the structure.
- D. Design submittals shall include copies of foundation reports, design load assumptions, and bridge design calculations for structural components.
- E. The developer shall be responsible for providing geotechnical testing, engineering oversight and construction observation of the bridge and associated structures by a qualified individual. Copies of the inspection reports and the design engineer's as-built certification shall be provided with the as-built drawings for the bridge.

11. GREENWAYS

- A. Greenways constructed in the jurisdiction of the Town of Southern Pines shall follow current guidelines by NCDOT, NCDOT Greenway Specification Z-200, MUTCD, AASHTO, FHWA, ADA and this manual.
- B. Construction of greenways and trails shall require permits be obtained from each agency having jurisdiction within the construction area. Potential agencies requiring permits for greenway construction are: NCDOT, FEMA Conditional Letter of Map Revision (CLOMR/LOMR), U. S. Army Corps of Engineers, DWQ and NCDEQ.
- C. Minimum stopping sight distance for various design speeds, vertical and horizontal curves, and grades need to be considered to ensure safe braking distance on a shared use path. The AASHTO

Guide for the Development of Bicycle Facilities provides methodologies, tables and graphs of stopping sight distance for various combinations of grade and design speed.

- D. Horizontal radii shall be a minimum 90' centerline radius.
- E. Radii at greenway intersections shall be a minimum 20' to accommodate maintenance vehicles.
- F. Greenway intersections should be aligned at 90° angles when possible.

TABLE 2-5: GREENWAY MINIMUM STOPPING SIGHT DISTANCE

A	English Units - Minimum Length of Crest Vertical Curve (L) Based on Stopping Sight Distance														
	20	40	60	80	100	120	140	160	180	200	220	240	260	280	300
2												30	70	110	150
3								20	60	110	140	180	220	260	300
4					15	55	95	135	175	215	256	300	348	400	
5				20	60	100	140	180	222	269	320	376	436	500	
6			10	50	90	130	171	216	267	323	384	451	523	600	
7			31	71	111	152	199	252	311	376	448	526	610	700	
8		8	48	88	128	174	228	288	356	430	512	601	697	800	
9		20	60	100	144	196	256	324	400	484	576	676	784	900	
10		30	70	111	160	218	284	360	444	539	640	751	871	1000	
11		38	78	122	176	240	313	396	489	592	704	826	958	1100	
12	5	45	85	133	192	261	341	432	533	645	768	901	1045	1200	

1. When $S > L = 2S - 900/A$ Shaded area represents $S = L$
 2. When $S < L = AS^2/900$
- L = Minimum Length of Vertical Curve (ft)
 A = Algebraic Grade Difference (%)
 S = Stopping Sight Distance (ft)
 Height of Cyclist's Eye = 4.5'
 Height of Object = 0'
 Minimum Length of Vertical Curve = 3'
 Source: AASHTO, Guide for the Development of Bicycle Facilities

- G. Shared-use trails shall be constructed to a minimum width of 10'. Trails to be used for pedestrians only shall be constructed to a minimum width of 6'.
- H. Shoulders for all trails shall have a minimum 2' width on each side of the trail. 5' shoulders shall be required in fill areas and 3' shoulders in cut areas.
- I. A clear, unobstructed, space from the edge of pavement of 10' shall be required. Trees greater than 15" in diameter may remain, provided they are at least 2' clear of the trail.
- J. Greenways and trails shall not be constructed with a crown. All greenways and trails shall be constructed with cross-slopes between 1% - 2%.

- K. Longitudinal slope shall be less than 5% unless existing contours prohibit. In the event grades are steeper than 5%, an 8.33% grade shall not be longer than 200', a 10% grade shall not exceed 30' and a 12.5% grade shall not exceed 10' without a rest area.
- L. Rest areas shall be greater than 5' in length, have a width greater than the width of the trail segment to and from the rest area, have a grade less than 5%, have a cross-slope that exceeds 2%, have a minimal change of grade and cross-slope on the segment connecting the rest area with the main pathway and have accessible designs for amenities such as benches, where provided.
- M. The typical section for greenways shall include:
 - 1. Geotextile fabric for soil stabilization placed on subgrade compacted to a density of 92% in accordance with AASHTO T99 as modified by NCDOT.
 - 2. ABC shall be placed at a 6" compacted depth with a density of 92% in accordance with AASHTO T180 as modified by NCDOT for both nuclear and ring test.
 - 3. Asphalt option: place asphalt, 2" of S9.5A-5B placed in one lift, in accordance with Section 610 of the Standard Specifications, compacted to at least 85%. Coring of the final surface course will not be allowed.
- N. Provide a 54" safety rail when the following is within 6' of the edge of pavement:
 - 1. Slope \geq 3:1 & drop of 6'.
 - 2. Slope \geq 2:1 & drop of 4'.
 - 3. Slope \geq 1:1 & drop of 1'.
- O. The current North Carolina Building Code requires handrails for instances where the distance from the top of a boardwalk deck to the bottom of the creek or top of ground is 30" or more. For instances where the distance is less than 30", a 6" toe board shall be used to prevent falls.
- P. Bridges shall have at least 10' clear inside dimensions. For bridges 10' in width, a design load of H5 shall be required. For bridges 12' in width, a design load of H10 shall be required.
- Q. Overhead clearance shall be 8' minimum of vertical height for pedestrian trails and 10' of vertical height for multi-use trails.
- R. During paving operations, dump truck loads shall be prohibited to 15 tons to prevent damage to the compacted ABC.
- S. In environmentally sensitive areas, alternative seeding specifications may be required.

Commented [JM13]: S9.5A asphalt is no longer readily available, so changed to S9.5B.